IFAR® Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

Volume 18 Number 4 2018

In this issue

Real Estate Developers vs. Artists: 5Pointz Graffiti Case

Governments Get Tough on Ivory

Reports from IFAR's Authentication Research Service

Status Report on the Munich Art Trove

INCORPORATING STOLEN ART ALERT®

IFAR Journal, ISSN 1098–1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110. Subscription rates are $75 per year. POSTMASTER: Send address changes to the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110.

© 2018 IFAR, Inc. All rights reserved. No part of the contents may be reproduced without the written permission of IFAR. The opinions expressed by the authors in *IFAR Journal* are not necessarily those of IFAR.

IFAR® and Stolen Art Alert® are the registered trademarks of the International Foundation for Art Research, Inc. Publication of advertisements does not imply endorsement by IFAR.

EDITOR-IN-CHIEF: Sharon Flescher
EDITOR: Kathleen Ferguson
DESIGN: Alice Fisk MacKenzie

International Foundation for Art Research (IFAR)
500 Fifth Avenue, Suite 935, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

EXECUTIVE DIRECTOR: Sharon Flescher
ASSISTANT TO THE DIRECTOR: Kathleen Ferguson
ART RESEARCH DIRECTOR: Lisa Duffy-Zeballos

SUBSCRIPTION INFORMATION
Subscriber: $75 (*IFAR Journal* and notices of events)
(Subscribers outside the U.S. please add $25 for mailing.)
Associate: $100 plus overseas mailing cost
(*IFAR Journal* and one complimentary admission to an *IFAR Evening*)

MEMBERSHIP / DONOR INFORMATION

Partner:	Individual $250	Corporate $1,000
Sustainer:	Individual $500	Corporate $2,500
Patron:	Individual $1,000	Corporate $5,000
Conservator:	Individual $2,500	Corporate $7,500
Benefactor:	Individual $5,000	Corporate $10,000

Membership support of IFAR, a nonprofit educational and research organization, is tax deductible to the extent permitted by law. Inquiries and payment should be directed to IFAR, 500 Fifth Avenue, Suite 935, New York, NY 10110

BOARD OF DIRECTORS
Anthony Williams, Chairman; Michael de Havenon, Christiane Fischer, Virgilia Klein, Aaron M. Milrad, David J. Nash, Leon B. Polsky, Samuel Sachs II, Steven P. Schwartz, Theodore E. Stebbins, Jr., Dorit D. Straus, Gertrude Wilmers; Jack A. Josephson, Chairman Emeritus

ART ADVISORY COUNCIL
Peter Barnet, Vivian Barnett, Arthur C. Beale, Jonathan Brown, Elizabeth Easton, John Elderfield, Margaret Holben Ellis, Linda S. Ferber, William H. Gerdts, Marco Grassi, Michael Heidelberg, Pepe Karmel, David G. Mitten, Kenneth Moser, Priscilla E. Muller, Theodore Reff, John Richardson, Willibald Sauerländer, Richard Shiff, Theodore E. Stebbins, Jr., Joyce Hill Stoner, Robert Storr, Carol Stringari, John Walsh, Christopher J. White

LAW ADVISORY COUNCIL
Franklin Feldman, Chairman; Jan M. Boll, Barbara Hoffman, John B. Koegel, Aaron M. Milrad, Hanno D. Mott, James A.R. Nafziger, Leon B. Polsky, Daniel Shapiro, Peter R. Stern

IFAR wishes to acknowledge the DAVID BERG FOUNDATION, INC., THE INTERNATIONAL MUSIC AND ART FOUNDATION, THE LIMAN FOUNDATION, AND THE NATIONAL ENDOWMENT FOR THE ARTS for their generous grants in support of *IFAR Journal.*

ART WORKS.

Recycled Paper

IFAR® Journal
INTERNATIONAL FOUNDATION FOR ART RESEARCH

2 **NEWS & UPDATES**

2 2018: The Year of the Elephant? Recent Ivory Bans in China and Hong Kong and Proposed UK Ban

5 He Said, She Said — Baldwin and Boone Settle Battle Over Bleckner

7 Real Estate Developers Versus Graffiti Artists: Has the *5Pointz* Case Shifted the Balance?

12 U.S. Returns Convicted Money Launderer's "Missing" Artwork to His Native Brazil

13 Decision in Agnes Martin Catalogue Raisonné Suit

14 New U.S.–Libya Agreement Restricts Importation of Cultural Objects

15 It's Back to the Drawing Board in Case Against Picasso's Electrician

18 **BOOK REVIEW: *GURLITT: STATUS REPORT***
Michele Wijegoonaratna

24 **REPORTS FROM IFAR'S AUTHENTICATION RESEARCH SERVICE**

24 **The Legacy of a Controversial Collection: Walter Chrysler's *Cubist Composition* Gets Another Look**
Lisa Duffy-Zeballos and Sharon Flescher

30 **Portrait's Pedigree Holds Up But Not Its Van Dyck Attribution**
Lisa Duffy-Zeballos

34 **All in the (Mount) Family: Which *Sportsman at the Well* is Autograph?**
Lisa Duffy-Zeballos

40 **DONOR ACKNOWLEDGMENTS FY 2017**

43 **STOLEN ART ALERT®**

COVER: 5Pointz as it appeared prior to November 2013, when a real estate developer whitewashed the building. Photo: Ezmosis (Wikipedia). Image cropped. See story on page 7.

2018: THE YEAR OF THE ELEPHANT?

RECENT IVORY BANS IN CHINA AND HONG KONG AND PROPOSED UK BAN LIKELY TO PUT MAJOR DENT IN IVORY TRADE

The long-running effort to end the global trade in ivory and stem the elephant poaching crisis made substantial progress in early 2018 when a new law banning the sale of ivory in Mainland China, the world's largest ivory importer, went into effect on January 1. This was followed on January 30 by a new ordinance closing a major loophole in the Chinese ban – the exclusion of Hong Kong, the largest ivory market within China. In April, the United Kingdom moved forward with its own proposed ivory ban.

FIGURE 1. Ivory tusks for sale in China in 2015, prior to the ivory ban.

The Mainland Chinese ban, as will be the case with the new Hong Kong ivory ban, was implemented in stages. The Mainland's restrictions began in February 2015 with a ban on the *importation* of ivory into China. This was followed by a December 30, 2016 government declaration that the *domestic* ivory trade would be eliminated by the end of 2017, which led to the shut down of more than 170 ivory carving workshops and stores throughout the country. As of January 1, 2018, such establishments are illegal in China **(FIG. 1).**

> "... A new law banning the sale of ivory in Mainland China, the world's largest ivory importer, went into effect on January 1. This was followed on January 30 by a new ordinance closing a major loophole in the Chinese ban—the exclusion of Hong Kong ..."

The Hong Kong ban – included in the "Protection of Endangered Species of Animals and Plants (Amendment) Ordinance" – enters into force on May 1, 2018, at which time, a ban will take effect on the sale of all ivory acquired *after* 1975, the year the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force. (Such items have been banned in Mainland China since 1981, the date China enacted CITES.) The second stage of the Hong Kong ban, which becomes effective on August 1, 2018, extends to sales of ivory obtained *prior* to 1975 as well. The third and final stage of the ban, effective December 31, 2021, prohibits possession of elephant ivory for any "commercial purposes." The Ordinance contains exceptions, however, for "antique ivory," as discussed below.

The new Hong Kong legislation also increases the penalties for violations, doubling the fines of the previous Endangered Species Ordinance from $5 million HKD (approx. $650,000 USD) to $10 million HKD ($1.3 million USD) and raising potential prison sentences to ten years, from the previous two.

The impact that the Mainland China and Hong Kong bans will have on the global ivory trade cannot be overstated. According to most estimates, they account for as much as 70% of the world's ivory market **(FIG. 2).**

MOVEMENT IN THE UK

In October 2017, the UK proposed an ivory ban of its own through

a process known as a "consultation," in which British government agencies request public comment on specific issues. The consultation "to address proposed measures to ban UK sales of ivory and to prohibit the import and export of ivory for sale to and from the UK" was open for comment for a twelve-week period ending in December 2017. Contrary to some media reports, this was merely an informal proposal for an ivory ban, not actual legislation. In April, however, the UK "confirmed" it would proceed with a ban and published a revised proposal to be submitted in Parliament.

"In April, the UK 'confirmed' it would proceed with an [ivory] ban."

Under current British law, the most significant restrictions on the ivory trade are: the prohibition of the sale of "raw" (unworked) ivory, and the requirement of a government license to sell worked ivory objects produced after 1947 (that is, 50 years before the European Union enacted its regulation on the Protection of Species of Wild Fauna and Flora in 1997).

While the UK does not import nearly the quantity of ivory as Hong Kong, British auction houses and antiques dealers sell thousands of ivory objects each year.

EXCEPTIONS FOR ART OBJECTS

The UK's proposed ivory ban contains five "exemptions" that would partially immunize the art trade. The ban would not apply to sales of: items created prior to 1947 containing less than 10% ivory; musical instruments made prior to 1975 (CITES) containing less than 20% ivory; "portrait miniatures" made at least 100 years before the ban went into effect; items of "outstandingly high artistic, cultural or historical value;" and sales to or from British museums.

The ivory bans enacted by Mainland China and Hong Kong also contain exceptions for the art trade, specifically for "antique ivory," defined as ivory taken from the wild prior to 1925 (i.e. 50 years before CITES) and "significantly altered from its natural state for [use] as jewelry, adornment, art, utility, or musical instruments." Under the Hong Kong law, antique ivory may still be *exported,* but will require a government-issued export license. Such items may also be *imported,* but owing to Hong Kong's status as the largest importer of illegal ivory in the world, imported objects will require not only a government-issued import license, but also a certificate from the country of export that the object was acquired prior to the enactment of CITES. Sales of antique ivory *within* Hong Kong will not require special licenses, but will require some form of proof that the object is in fact "antique."

FIGURE 2. Hong Kong authorities display 7 tons of ivory seized from smugglers in July 2017.

MEANWHILE, IN THE U.S.

In comparison to these foreign regulations, the recently enacted U.S. ivory ban and the additional restrictions passed by New York State – discussed at length during a November 24, 2015 *IFAR Evening* entitled "What the Art World Needs to Know About the Proposed Ivory Ban" – are far more stringent.[1]

In 2016, the U.S. revised the Endangered Species Act's "Rule

1 See the published proceedings in the *IFAR Journal,* Vol. 17, no. 1 (2016).

for the African Elephant" to, among other things, require that ivory importers and exporters provide U.S. Customs officials with documentary evidence that the objects they seek to transport were acquired before 1976.

Prior to this federal action, New York State took steps of its own to combat the ivory trade, amending the state's Environmental Conservation Law (ECL) in 2014 to require ivory sellers to obtain separate permits for each individual work they wish to sell. Such permits are only to be granted for ivory objects that are at least 100 years old *and* consist of less than 20% ivory, *or* are part of a musical instrument created before 1975.[2]

The U.S. laws are so strict in fact that, according to Britain's National Museum Directors' Council, British museums "are increasingly reluctant to lend [ivory objects] to U.S. institutions for fear of [the] objects being seized."[3]

NEW YORK LEADS THE CHARGE

Although no works have been seized from museums to date, New York has been putting the newly-amended ECL to the test. In one of the first cases involving the new law, *New York v. Morano,*[4] in 2016, Samuel and Irving Morano, the co-owners of Metropolitan Fine Art and Antiques, (and one of their employees), were each charged with two felony counts of "illegal commercialization of wildlife" after 160 ivory objects worth $4.5 million were seized from their Manhattan store the preceding year. To avoid possible jail time, the Morano brothers each pleaded guilty to one count and were required to surrender the seized objects, as well as an additional 1,600 ivory objects in their possession. They were also ordered to pay $200,000 to two wildlife organizations. Weeks later, the Moranos' ivory objects were publicly destroyed, along with hundreds of other works of ivory, at an event in New York's Central Park meant to highlight the poaching crisis and weaken demand for ivory in New York, the largest market in the U.S.

The same month the Moranos pleaded guilty, July 2017, New York authorities raided the store of antiques dealer Alexander Sakhai, seized over 130 ivory objects, and charged him with two felony counts under the ECL. In October 2017, he, too, pleaded guilty to one count of "illegal commercialization of wildlife."[5] Like the Moranos, Sakhai's plea agreement required him to surrender the items that had already been seized from his store, as well as 100 other ivory objects in his possession. Sakhai, like the Moranos, was also required to make a "donation" to a wildlife organization, in his case the sum was $60,000.

With the continued strict enforcement of the U.S. and New York State ivory regulations, the passage of ivory bans in China and Hong Kong, and a proposed ivory ban under consideration in the UK, the future of the African elephant appears much brighter.

—Nicholas Dietz
Legal Research Associate, IFAR

and **Sharon Flescher**
Executive Director, IFAR

2 N.Y.E.C.L. §11-0535-a, Illegal Ivory Articles and Rhinoceros Horns (2014).

3 Martin Bailey, "How Will the UK's Proposed Ivory Regulations Affect the Trade?" *The Art Newspaper* (Feb. 6, 2018).

4 *New York v. Morano,* No. 02669-2016 (N.Y. Sup. Ct. July 26, 2017).

5 *New York v. Sakhai* (N.Y. Crim. Ct. Oct. 18, 2017).

• • •

HE SAID, SHE SAID — BALDWIN AND BOONE SETTLE BATTLE OVER BLECKNER

The very public civil fraud dispute between actor Alec Baldwin and New York gallerist Mary Boone over a Ross Bleckner painting has ended in a settlement. Baldwin claimed that the painting Boone sold him in 2010 was not the one he believed it to be. The November 2017 settlement suggests that he was right. Although its specific terms were not disclosed, Baldwin was quoted in *The New Yorker* as saying that, as part of the agreement, Boone would pay him a "seven-figure" sum and Bleckner would create a new painting for him based on Baldwin's specifications.[1]

At the center of the dispute was a 1996 Bleckner painting entitled *Sea and Mirror* **(FIG. 1).** In 2007, Baldwin tried to purchase the painting at a Sotheby's New York auction, but was outbid. (The painting had initially been consigned for sale by the Mary Boone Gallery.) In 2010, Baldwin discussed with Boone, who has represented Bleckner since the 1980s, the possibility of her acquiring the work from its current owners, but, unbeknownst to Baldwin, the owners rejected Boone's overtures. Nevertheless, she told Baldwin that she would be able to acquire the painting for him for $190,000. Baldwin agreed, and the work was delivered to him later that year.

BALDWIN'S ACCUSATION

Upon receipt of the painting, Baldwin told Boone that it looked different from the work he had seen and that the paint smelled "new." She blamed the differences on a cleaning she had ordered because the previous owner had been a heavy smoker. Baldwin accepted this explanation, but in 2016, an artist friend informed him that no galley owner would clean a painting without seeking the owner's permission. In May of that year, Baldwin hired an art expert to examine the painting and was told that it was not in fact the 1996 *Sea and Mirror* painting he had believed, but a "copy" **(FIG. 2).**

According to Baldwin, both Bleckner and Boone subsequently admitted their wrongdoing, with Bleckner stating in an apologetic e-mail: "im [sic] so sorry about all this. i [sic] feel so bad about this. what can i [sic] do to make this up to you?"[2] In *The New Yorker* interview – but, significantly, not in his court filings – Baldwin also claimed that Boone had offered to refund his money. Nevertheless, Baldwin sued the art dealer in New York State Supreme Court in September 2016, accusing her of fraud and also engaging in "deceptive business practices" in violation of New York General Business Law §349 (GBL §349). In addition, Baldwin sought punitive damages to deter Boone from continuing her "fraudulent practices." He alleged that, after Boone failed to acquire the "original" *Sea and Mirror,* she asked Bleckner to produce a duplicate of the work and then sold it to Baldwin as though it were the original, going so far as to back-date the painting "1996" and stamp it with the same "Mary Boone Gallery Inventory Number" as the original painting (No. 7449).[3]

FIGURE 1. Ross Bleckner, *Sea and Mirror,* 1996. (*Baldwin v. Boone,* Defense Exhibit B, filed Oct. 27, 2016). The painting Alec Baldwin thought he was purchasing from Mary Boone.

FIGURE 2. Ross Bleckner, *Sea and Mirror,* 2010. (*Baldwin v. Boone,* Defense Exhibit C, filed Oct. 27, 2016). The painting Boone actually sold to Baldwin.

1 Susan Lehman, "Alec Baldwin's Legal Tussle Over a Painting," *The New Yorker* (Nov. 20, 2017).

2 *Baldwin v. Boone,* No. 654807/2016 (N.Y. Sup. Ct. complaint filed Sept. 12, 2016), p. 8.

3 *Ibid,* pp. 5, 9-10.

BOONE: A "REAL COLLECTOR" WOULD HAVE KNOWN BETTER

Boone filed a motion to dismiss the lawsuit in October 2016 on the grounds that it was time-barred. As the painting had been purchased in 2010 and Baldwin did not file suit until six years later, it violated the three-year statute of limitations of the New York General Business Law. The statute of limitations for fraud, however, runs for 6 years from the date of the fraudulent act or 2 years from the date the party discovered, or *should have* discovered, the fraud. Although Baldwin's claim was filed within 6 years of the supposedly fraudulent sale and was also within 2 years of the date he discovered the alleged fraud, Boone argued that it was not within the time he *should have* discovered the purported fraud.

In a sworn affidavit accompanying the motion to dismiss, Boone stated that the "original" *Sea and Mirror* (1996 version) and the painting Baldwin purchased (2010 version) "are so different that any lay person, let alone the sophisticated art collector and arts patron that Baldwin considers himself," would be able to tell them apart, as the works are "vastly different" – notwithstanding her earlier assertions to Baldwin that the differences were merely the result of a cleaning.

Boone also argued for dismissal of Baldwin's request for punitive damages on the grounds that a party cannot receive punitive damages if they also engaged in misconduct in the same transaction. Baldwin's alleged misconduct was tax evasion; according to Boone, he had attempted to avoid paying $16,625 in New York sales tax on his $190,000 purchase by having the Bleckner painting delivered to his California residence, then immediately shipping it to his home in New York.[4] She further noted that New York courts have established a precedent of not imposing punitive damages in fraud cases involving private parties.

As for Baldwin's claim that Boone had violated General Business Law §349, at issue was whether the effects of the transaction were "public" or "private." Boone argued that the law is only applicable in cases involving "consumer-oriented" practices that impact "consumers at large," meaning the general public, not merely a specific individual (i.e. Baldwin) in one particular case. Moreover, prior case law has stated that §349 is "not meant to protect knowledgeable and experienced parties in matters involving large sums of money"[5] and, Boone noted, Baldwin was an experienced art collector involved in a transaction for nearly $200,000. As further precedent, Boone cited a 1994 case involving a dispute over a painting, in which a New York Federal Court had specifically stated that "the sale of a unique *painting* … falls *outside* the purview of Section 349."[6] (Emphasis added.)

THE RESOLUTION

At an April 2017 hearing, the court dismissed Baldwin's General Business Law claim, holding that Boone's actions had been aimed at a "particularized individual" and were not an attempt to deceive a whole class of customers. The court did not, however, dismiss Baldwin's fraud claim, ruling that there was insufficient evidence to demonstrate that he *should* have known the painting he received in 2010 was not the original 1996 Bleckner. Nor did the court dismiss Baldwin's request for punitive damages, stating that the issue should be decided at trial. But, before that took place, the parties settled out of court.

— **N.D.** and **S.F.**

---

4 Mem. of Law in Supp. of Def.'s Motion to Dismiss (filed Oct. 27, 2016), pp. 17-18.

5 *Teller v. Bill Hayes Ltd.*, 213 A.D.2d 141 (N.Y. 2d Dept. 1995).

6 *Shaheen v. Hahn*, 1994 WL 854659 (S.D.N.Y. 1994).

• • •

REAL ESTATE DEVELOPERS VERSUS GRAFFITI ARTISTS: HAS THE *5POINTZ* CASE SHIFTED THE BALANCE?

JUDGE RULES IN FAVOR OF GRAFFITI ARTISTS; DEVELOPER FILES NOTICE OF APPEAL AND POST-TRIAL MOTIONS

If graffiti was barely an art form when the Visual Artists Rights Act (VARA)[1] was enacted in 1990, it has since become one of the fastest growing artistic movements. In fact, the recent ruling in the closely watched 5Pointz case[2] shows how graffiti art has progressively matured into an art form worthy of protection under federal law. On February 12, 2018, Senior District Judge Frederic Block awarded $6.75 million in damages to 21 graffiti artists, finding that real estate developer Gerald Wolkoff had violated their moral rights under VARA by whitewashing the 5Pointz graffiti mecca overnight. Calling the decision "ridiculous," Wolkoff filed a notice of appeal to the Second Circuit on February 21, 2018, as well as post-trial motions with the district court, in March, seeking a reversal of its ruling.

The unprecedented 5Pointz ruling underscores the inherent tension between real estate owners and graffiti artists, especially in neighborhoods in transition such as Long Island City, Queens, New York, where 5Pointz is located. This former industrial neighborhood is now characterized by ongoing residential growth and gentrification. Indeed, defendant Gerald Wolkoff – owner of a 200,000 square foot industrial complex located across from MoMA PS1 in Long Island City – likely did not foresee any legal ramifications in the early 1990s when he gave street artists the permission to create art on a decaying industrial building. In 2002, by way of an oral agreement whose terms remain disputed, Wolkoff gave graffiti artist Jonathan Cohen (also known as "Meres One") the authority to be curator of the art with only three restrictions: no pornography, religion, or politics. The art's quality improved considerably under Cohen's guidance and the graffiti mecca that became known as 5Pointz matured into a major New York attraction, drawing tourists as well as graf-

FIGURE 1. 5Pointz before it was whitewashed. Photo: Esmozis (Wikipedia).

[1] Visual Artists Rights Act of 1990, 17 U.S.C. § 106A.

[2] *Cohen v. G&M Realty L.P.*, No. 13-CV-05612, 15-CV-03230 (E.D.N.Y. Feb. 12, 2018).

fiti artists from around the world **(FIG. 1).** Wolkoff made it clear from the beginning, however, that he would eventually develop the property and that the graffiti murals would be destroyed.

Still, when Wolkoff announced his intention to destroy 5Pointz to make way for two high-rise towers in early 2013, the artists filed an application with the New York City Landmarks Preservation Commission. When that failed because the artwork had not been in existence for at least thirty years, Cohen and twenty other artists filed a complaint – comprising VARA and tort claims – as well as a motion for preliminary injunction in an attempt to enjoin Wolkoff from destroying the building. The preliminary injunction was denied on November 12, 2013, and the Court issued an order stating that "a written opinion would soon be issued." Rather than wait for the written opinion, which, as it turns out, came only 8 days later, Wolkoff hired workers during the night of November 19, 2013 and, without notice to the artists, whitewashed 5Pointz in its entirety, thus destroying all of the art **(FIG. 2).**

"This raised the larger question of whether graffiti art can be deemed of 'recognized stature' within the meaning of VARA ..."

Not only were none of the whitewashed works salvageable, but the artists were also prevented from returning to 5Pointz to recover the remnants of their destroyed creations. The buildings themselves were demolished in 2014. The artists subsequently filed an amended complaint[3] raising four new claims, including the violation of their moral rights under VARA.

FIGURE 2. 5Pointz after it was whitewashed in November 2013. Photo by Max Touhey.

WERE THE WORKS OF "RECOGNIZED STATURE"?

VARA, which some have labeled a "historical accident," was enacted in order to bring the U.S. federal copyright regime in compliance with the 1886 Berne Convention for the Protection of Literary and Artistic Works. While VARA established a partial moral rights regime by granting the rights of attribution and integrity to visual artists, the U.S. regime is much narrower than that in Europe. VARA protects only "works of visual art," precisely because with such works, a large part of the work's value is in the original object itself, thus, supporters argued, rendering the economic rights granted by the Copyright Act insufficient.[4] Still, the infringer of an artist's moral rights under VARA is liable for the same damages that apply to copyright infringement; namely actual and statutory damages.

[3] *Cohen*, No. 13-CV-05612 (E.D.N.Y. *first amended complaint* Apr. 10, 2014).

[4] U.S. Copyright Act of 1976, 17 U.S.C. §§ 101 et seq.

While there is no limit to the amount of actual damages that may be awarded, statutory damages for each work "may be no less than $750 or more than $30,000." If the infringement was committed *willfully,* however, the damages awarded can be as high as $150,000 per work.[5]

When enacting VARA, Congress was careful to carve out certain exceptions. In fact, VARA expressly addresses the foreseeable scenario in which the rights of a real estate owner conflict with those of an artist whose work is part of a building.[6] The statute provides that VARA protection *does not apply* in situations where: 1) a work of visual art has been made part of a building and as such may not be removed without its modification or destruction, and 2) the author of the work consented to the installation of the work in the building. On the other hand, VARA protection *does apply* in situations where a work of visual art has been made part of a building yet *can* be removed without its modification or destruction, *unless* 1) the owner of the building, in good faith yet unsuccessfully, attempted to notify the artist of the upcoming action affecting the work, or 2) the owner of the building successfully notified the artist, in writing, and the artist failed within 90 days of receiving such notice to remove the work form the building.

Moreover, while the right of attribution is fairly straightforward, the right of integrity has proven to be more complex. Pursuant to the right of integrity, the author of a work of visual art shall have the right to "prevent any intentional *distortion, mutilation*, or *other modification* of that work which would be prejudicial to his or her honor or reputation," as well as "prevent any *destruction* of a work of recognized stature." VARA thus distinguishes the modification of an artist's work from its actual destruction. Indeed, once a work has been destroyed, its author has to prove the work was one of "recognized stature" for it to merit protection under VARA. Effectively, at the core of the 5Pointz trial was the issue of whether the 49 destroyed artworks had acquired "recognized stature." This raised the larger question of whether graffiti art can be deemed of "recognized stature" within the meaning of VARA, and, as such, be protected from destruction without compensation.

Statutorily undefined, courts have been left to analyze the "recognized stature" criterion on a case-by-case basis. Courts have commonly interpreted both words separately, considering that a work of "stature" demands that it be praiseworthy art, and also that it be "recognized" as such by other members of the artistic community.[7] Still, does this two-pronged test require that the work have been exhibited publicly? That the artist him/herself be recognized? That the "recognized stature" be acquired prior to the work's destruction? Such interrogations come into play notably in cases where graffiti art is involved, precisely because of the intrinsic ephemeral nature of street art.

Often, courts will determine whether a work is one of "recognized stature" based on expert witness testimonies. As such, it is often the case in VARA jurisprudence that experts called upon by opposing parties have conflicting opinions as to whether the work in dispute is one of "recognized stature." In the 5Pointz case, precisely, the plaintiffs' highly qualified expert provided detailed findings as to: "the skill and craftsmanship of each of the 49 works, the importance of 5Pointz as a mecca for aerosol art, the academic and professional interest of the art world in the works, and the expert's professional opinion

5 17 U.S.C. § 504(c)(1)(2).

6 17 U.S.C. § 113(d).

7 *Carter v. Helmsley-Spear, Inc.*, 861 F. Supp. 303 (S.D.N.Y. 1994).

that they were all of recognized stature." On the other hand, the Court found that the credibility of the *defendant's* expert was challenged when she claimed that *none* of the works had achieved "recognized stature."

"The 5Pointz case is unique insofar as the artists had been granted permission by the owner to use the building … all the while knowing that it would eventually be destroyed."

An added complexity appears in cases involving graffiti art when the disputed work has been fixed to someone else's property without the owner's permission. Still, if by its very nature illegal street art conflicts with the notion of "recognized stature," the growing acceptance of graffiti art in recent years bears witness to the fact that the risk of liability faced by such artists does not preclude the public or artistic community from viewing graffiti art as noteworthy of VARA protection. In any event, the 5Pointz case is unique insofar as the artists had been granted permission by the owner to use the building for their art, all the while knowing that it would eventually be destroyed.

TRIAL AND DECISION

Acting on the premise that 5Pointz *was* public art of "recognized stature" created on someone else's property, the graffiti artists argued that the art *could* have been removed from the buildings without its destruction, and that Wolkoff therefore violated their moral rights under VARA by failing to provide the statutorily required 90-day required notice before he whitewashed the buildings. Several back and forth motions between the parties ensued, leading up to a March 2017 memorandum and order by which Judge Block denied the defendants' motion to dismiss as to the VARA claim. The Judge found that there was a genuine factual dispute on the grounds that, "even if a piece of art encompassed by VARA is destroyed, VARA provides that monetary damages may be awarded if it is ultimately determined after trial that the plaintiffs' works were of recognized stature."

The case went to trial on the VARA claim in October 2017, marking the first time that a case hinging on a VARA claim made it to a jury, let alone where the art in question is graffiti art. On November 7, 2017, the eight-person jury ruled that Wolkoff was liable for willfully violating the artists' right of integrity under VARA by whitewashing the building without giving them the proper 90-day notice. Due to the plaintiffs waiving their jury right prior to the start of deliberations, however, the Court, with Wolkoff's consent, converted the jury ruling into an advisory opinion. As such, it was the presiding judge, Frederic Block, who issued the final verdict on February 12, 2018.

Agreeing with the jury's finding that Wolkoff had willfully violated the artists' VARA rights by failing to give the statutorily required notice and condemning what he referred to as Wolkoff's "abject conduct" in not waiting for the court's written opinion in 2013, Judge Block ordered the developer to pay the artists $6,750,000 in damages. In doing so, the judge exercised his discretionary power to award the maximum damages permitted under VARA per work of art found to have been wrongfully and willfully destroyed; namely, $150,000 for each of the 45 works found to be of recognized stature.

Highly unexpected, the verdict's implications are manifold. In finding that 45 of the 49 destroyed works had achieved "recognized stature," the court held that the art was of "striking technical and artistic mastery and vision worthy of display in prominent museums if not on the walls of 5Pointz," and also that all of the plaintiffs had achieved artistic recognition outside of 5Pointz. This marked

the first time that graffiti art was found to be of "recognized stature" within the meaning of VARA, and thus protected under federal law. While this is undoubtedly a huge win for graffiti artists and the art form itself, some may see it as a pyrrhic victory. Indeed, the size of the monetary damages will likely deter real estate developers in the future from consenting to graffiti art on their property without first demanding a waiver of VARA rights.

Still, some might argue that this case is *sui generis* because it was Judge Block's ire at Wolkoff's decision to whitewash the works without giving proper notice to the artists in the midst of a court injunction that prompted him to award the extravagant amount. He makes that clear in his ruling: "If not for Wolkoff's insolence, these damages would not have been assessed. If he did not destroy 5Pointz until he received his permits and demolished it 10 months later, the Court would not have found that he had acted willfully."

THE APPEAL

Condemning the verdict as "making no sense," Wolkoff filed a formal notice of appeal with the Second Circuit on February 21, 2018. However, he subsequently filed post-trial motions with the district court, on March 15, and the Second Circuit stayed his appeal pending the outcome of the lower court's rulings. In his post-trial filings, Wolkoff moved, alternatively, for the district court to vacate the jury's decision and rule in his favor; order a new trial; or reduce the amount of damages he was required to pay.

Wolkoff argued that, among other things, the district court applied an incorrect legal standard in determining that the 45 works at issue met VARA's definition of "recognized stature" by relying on assessments made *after* their destruction; that the weight of the evidence demonstrated that the works had not achieved recognized stature; and that the court's award of $150,000 in damages per work (totaling $6.75 million) was unconstitutionally excessive and that, if Wolkoff were ultimately to be held liable, the damages should be reduced to the statutory minimum of $750 per work totaling $33,750).

— Celeste Dufournier
Legal Intern, IFAR

• • •

LETTERS TO THE EDITOR

REMINDER

"Letters to the Editor" are welcome in *IFAR Journal*. Please keep letters brief. We reserve the right to edit for length. All letters must be signed. Please fax or mail letters to:

Dr. Sharon Flescher, Editor-in-Chief, *IFAR Journal*

500 Fifth Avenue, Suite 935, New York, NY 10110 • Fax: (212) 391-8794

U.S. RETURNS CONVICTED MONEY LAUNDERER'S "MISSING" ARTWORK TO HIS NATIVE BRAZIL

Readers of the *IFAR Journal* may remember the name Edemar Cid Ferreira, the disgraced Brazilian banker who purchased millions of dollars worth of art with embezzled funds. In October 2017, the U.S. Attorney for the Southern District of New York announced the return to Brazil of 95 works of art once belonging to Ferreira. The artworks, sought for over a decade by Brazilian authorities, were recovered from several different locations in the U.S. and Europe.[1]

FIGURE 1. Henry Moore, *Woman*, bronze (ca. 1958-1986), one of the 95 recently returned works of art, formerly owned by Edemar Cid Ferreira. Photo: Sotheby's New York catalogue, Impressionist & Modern Art Evening Sale, November 14, 2017.

As the founder and president of Banco Santos (one of Brazil's largest banks), Ferreira embezzled a billion dollars from his clients, using some of his ill-gotten gains to amass a multi-million dollar art collection. In 2006, as Banco Santos collapsed, a Brazilian court convicted Ferreira of money laundering and "crimes against the national financial system." The court sentenced him to 21 years in prison and ordered the seizure of his assets, including his art collection.

After seizing artwork from Ferreira's home, offices, and a storage facility, Brazilian authorities discovered that many works from the collection were missing. In late 2007, they contacted the U.S. and Interpol, seeking assistance in tracking down the missing artwork. Unknown at the time, Ferreira had smuggled the works out of Brazil in 2004 and 2005 using fake documents, and shipped them through the U.S. to Switzerland, then to the Netherlands, where most remained; others continued on to the U.K. or France.

As discussed in detail in a previous issue of the *IFAR Journal*,[2] U.S. authorities located and seized a Jean-Michel Basquiat painting owned by Ferreira in November 2007; followed in 2008 by four other recoveries – works by Roy Lichtenstein, Serge Poliakoff, and Joaquin Torres-Garcia, as well as a Roman statue. Their return to Brazil was delayed, however, by conflicting ownership claims and lengthy court proceedings in the U.S. The last of the five recovered works of art (the Basquiat) was not returned to Brazil until June 2015; the following year, Brazilian officials auctioned the Basquiat at Sotheby's London for more than $14 million.

The artworks recovered in 2016 and 2017, unlike the previous group, were returned to Brazil without any court battles. Two of the 95 had been voluntarily handed over to U.S. officials by American owners, as were seven works held by a British auction house. A Henry Moore sculpture once owned by Ferreira **(FIG. 1)** was seized by French authorities and transferred to the U.S., while the other 85 Ferreira-owned works were seized by Dutch authorities from a storage facility in The Netherlands and then sent to the United States. The returned works of art included sculptures, paintings, prints, and photographs by artists such as Man Ray, Francis Picabia, Helen Frankenthaler, Rufino Tamayo, and Anish Kapoor.

American officials subsequently contacted their Brazilian counterparts and on October 5, 2017, the 95 works of art were transferred

[1] *In re: 95 Works of Art from the Edemar Cid Ferreira Collection*, No. 17-Misc.-0382 (S.D.N.Y. Oct. 5, 2017).

[2] See, Ann-Margret Gidley and Sharon Flescher, "Last of 5 Banco Santos Artworks Seized in U.S. Are Back in Brazil," *IFAR Journal*, Vol. 16, no. 3 (2015).

from the U.S. Attorney's Office to the Brazilian bankruptcy administrator overseeing the dispersal of the assets of Ferreira and Banco Santos. The works have since been consigned to Sotheby's and one, the Henry Moore sculpture seized in France, has already been sold, fetching over $2 million at Sotheby's New York in November 2017, barely a month after it was returned to Brazil.

The return of the 95 works of art to Brazil seems to mark the end of U.S. involvement in the search for Ferreira's artwork – at least, for now.

—**N.D.**

• • •

DECISION IN AGNES MARTIN CATALOGUE RAISONNÉ SUIT

As the *IFAR Journal* was at press, New York State Supreme Court Judge Andrea Massey issued a ruling in a case that IFAR and the art world have been following intently. (See *IFAR Journal,* Vol. 18, nos. 2 & 3.) The April 2018 ruling dismissed the case of *Mayor Gallery Ltd. v. Agnes Martin Catalogue Raisonné, LLC,* in which a London gallery sued the organization for $7.23 million dollars for not including in the new catalogue raisonné 13 works purportedly by Agnes Martin that the Gallery had submitted.

Contrary to some early news reports, however, the decision is not necessarily the end of the case. Of the seven claims brought by the Mayor Gallery, only one (an allegation that the Agnes Martin Catalogue Raisonné, or AMCR, violated New York's General Business Law) was dismissed with prejudice. The Mayor Gallery has until late April to amend its complaint and re-plead its 6 other claims, but it can only seek damages for the two works that have been returned by their purchasers for reimbursement, unless or until the Gallery reimburses the two owners of the eleven other works.

The ruling underscored the importance of a well-written submission contract. The court held that the AMCR was not required to give the Mayor Gallery an explanation as to why it had rejected the 13 works the gallery had submitted, a ruling based on the fact that the parties' contract expressly included such a clause; the court was not declaring that it is settled law that authentication organizations need not explain their decisions.

Similarly, the court's ruling that the Mayor Gallery was liable for the AMCR's attorney's fees was predicated on a specific clause in the contract, not a judgment that *any* party who sues an authentication organization and loses will be held liable for the latter's attorney's fees.

The issue of attorney's fees was separated from the rest of the case and will be submitted to a "Special Referee" for separate proceedings, which will not begin until May at the earliest. The court has scheduled a status conference on the rest of the case for May 4.

—**N.D.** and **S.F.**

• • •

NEW U.S.–LIBYA AGREEMENT RESTRICTS IMPORTATION OF CULTURAL OBJECTS

FIGURE 1. Detail, Roman mosaic of the Four Seasons (ca. 150–300 AD), Archaeological Museum of Tripoli. Example of the type of Libyan object subject to U.S. import restrictions.

On February 23, 2018, Libya became the 17th nation to sign a bilateral agreement with the United States to restrict the importation of its cultural property into the U.S. The Memorandum of Understanding "Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Libya" (the MOU) was enacted under the U.S. Cultural Property Implementation Act of 1983, the "CPIA" (which implemented the 1970 UNESCO Convention on Cultural Property).

The unrest and widespread looting of cultural property in Libya since the fall of the Gaddafi regime in 2011 led the Libyan government to request import restrictions in May 2017. In response, the U.S. enacted emergency import restrictions on December 5, 2017, followed by the February MOU.

The restrictions affect the following categories: archaeological material dating to the Paleolithic, Neolithic, Punic, Greek, Roman, Byzantine, Islamic, and Ottoman periods (ca. 12,000 B.C. to 1750 A.D.) and ethnological material dating from 1551 to 1911 A.D. **(FIG. 1).** The MOU will expire in 2023, but can be renewed for additional 5-year terms, if the need remains.

CPAC CHARTER RENEWED

Meanwhile, on April 8, 2018, the Cultural Property Advisory Committee, the body established by the CPIA to assess MOU requests, like Libya's, had its charter renewed for two years. This was merely a pro forma matter as all presidential advisory committees are required to have their charters renewed every two years, pursuant to the Federal Advisory Committee Act. (Public Law 92-463).

—N.D.

ADVERTISEMENT

K&K

KRIGEL & KRIGEL, P.C.
LAW OFFICES
4520 MAIN STREET • SUITE 700 • KANSAS CITY, MO 64111
P / 816.756.5800 F / 816.756.1999

Representing and Advising Collectors, Dealers and Artists for Over Twenty Years.
Contact: Steven J. Braun, Esq. sbraun@krigelandkrigel.com

I am conscious that my clients are stewards of their art, preserving it for generations to come.
It is my privilege to assist collectors and artists with all aspects of buying & selling works of fine art.
I am always grateful for that opportunity and their trust. *Steven Braun*

IT'S BACK TO THE DRAWING BOARD IN CASE AGAINST PICASSO'S ELECTRICIAN

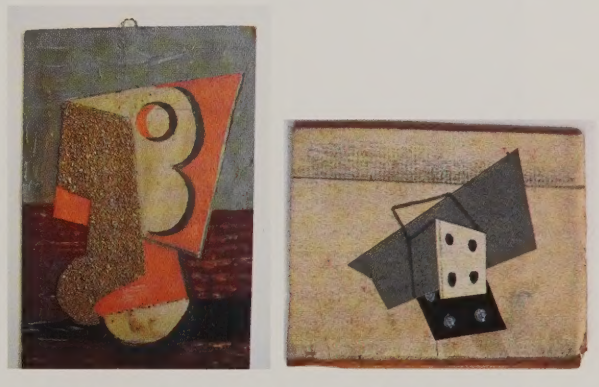
FRANCE'S HIGHEST COURT REVERSES LOWER COURT DECISIONS FIRST THEY MUST PROVE THERE WAS A THEFT

Almost eight years after the revelation that a large cache of works by Pablo Picasso had turned up in the hands of his one-time electrician,[1] and three years after the electrician, Pierre Le Guennec, and his wife were convicted of possessing stolen goods,[2] a verdict upheld on appeal, France's highest court – the Cour de cassation – has overturned the decision and ordered a retrial.

Le Guennec and his wife were convicted in March 2015 of the crime of "recel" – knowing possession of stolen goods. They were given two-year suspended prison sentences. On February 28, 2018, the Cour de cassation ruled that it was not sufficiently proven that the works in the Le Guennecs' possession were actually stolen,[3] and remanded the case to the Court of Appeals in Lyon.

The 271 Le Guennec works, which span a 30-year artistic period from about 1900–1932, and include 9 Cubist still-lifes **(FIGS. 1&2),** 2 notebooks containing dozens of drawings, a Blue Period watercolor, and drawings of Picasso's first wife, Olga, had never been published or publicly seen before the fall of 2010, when the Le Guennecs brought them from their home near Mougins in the South of France to the Picasso Administration in Paris. They received good news and bad news: Claude Picasso, the artist's son, who heads the Administration, believed the works were authentic (some of them had inventory numbers that were known to very few people and were kept by Picasso for only a short time around 1935), but that they couldn't possibly have been obtained legally. His father would never have given away so many works, nor would Picasso's widow, Jacqueline, have done so, and that if they had been intended as gifts, they would be signed and dedicated. All the works, however, except one, were unsigned, and none are inscribed.

The Le Guennecs, both of whom are now in their late seventies, insist that Picasso (who died in 1973), or his second wife Jacqueline, gave the works to them as gifts c.1970. (Their accounts differ and changed over time.) The Le Guennecs apparently kept the works hidden in a box in their garage for 40 years until they brought them from their home to Paris, spurred on, they said, by Pierre Le Guennec's bad health at the time and his desire to put his estate in order. After showing them to the Picasso Administration, the Le Guennecs returned to the South of France with the artworks, but French authorities confiscated the works a month later, stored them in a facility, and the local authorities launched an investigation into the crime of "recel." (The statute of



FIGURES 1 and 2. Two of the nine Pablo Picasso still-lifes in the Le Guennec trove. © 2018 Estate of Pablo Picasso/ ARS, NY.

1 See, Sharon Flescher, "The Picassos Gave What to Whom?," *IFAR Journal,* Vol. 12, no. 2, 2011.

2 See, "French Court Short-Circuits Picasso's Electrician," *IFAR Journal,* Vol. 16, nos. 1 & 2, 2015.

3 The court's exact words were: "Mais attendu qu'en l'état de ces énonciations, qui ne démontrent pas que les biens détenus par les prévenus provenaient d'un vol commis antérieurement à leur entrée en possession, la cour d'appel n'a pas justifié sa decision." Cass., Crim., 28 février 2018, pourvoi n° 17-80694.

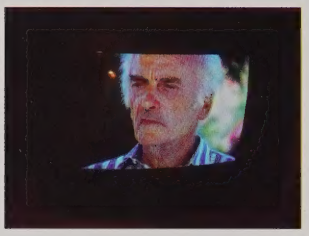


FIGURE 3. Image of Pierre Le Guennec from the CBS "60 Minutes" television interview that aired on September 25, 2016.

limitations for theft had long since expired.)

If the Le Guennecs did not steal the works, it is not clear who did, and any witnesses to the crime, if there was one, are by this point dead. The Picasso family's attorney suggested in court that Le Guennec was a "mule" for international art criminals. John Richardson, noted Picasso biographer (and IFAR Art Council member), told IFAR in 2011 that he believed this cache was part of a large shipment of belongings that Picasso sent from Paris to his home in Cannes. Richardson himself had examined some of the shipment contents more than 50 years ago, and like the Le Guennec trove, the material he examined contained mainly artworks on paper that were not systematically organized.

RECEL

Proving the crime of "recel" is not easy. Authorities have to show "knowing" possession of stolen works, and the only living eye witness to the gift – or theft – is Le Guennec. Now, with the highest court insisting that the prosecution prove that a theft actually took place, the outcome is not clear.

The Le Guennecs continue to protest their innocence, in court and out. They remind people that they came forward with the works voluntarily and met with Claude Picasso and the press without a lawyer.

In a recent CBS "60 Minutes" television interview that aired in the U.S. on September 25, 2016 **(FIG. 3),** Le Guennec again insisted that Picasso "had total trust" in him, that he had installed burglar alarms for the artist and did other electrical and handiwork for years, and that "Madame" – Jacqueline Picasso – handed him a box with sketchbooks and loose papers, which stayed on a shelf in his garage. To that, the Picasso family's attorney responded: "The art is too pristine to have been kept on a shelf all these years." Reflecting on all he has gone through since revealing his possession of the works, Pierre Le Guennec told CBS "60 Minutes" Correspondent Bill Whitaker, "If I had it to do all over again, the box would have ended up in the chimney …"

—S.F.

• • •

- Professional appraisals since 1974 for Fine & Decorative Art
- Serving collectors, museums, and corporations
- For insurance, estate planning, charitable donations, damage and loss, expert witness
- American Society of Appraisers and RICS Accredited
- USPAP Compliant

ELLEN J. EPSTEIN, ASA, FRICS

AARC Group

Appraisers & Consultants for Fine & Decorative Arts Since 1974

www.TheArtAppraiser.com
5 Lake Wood Drive, Katonah, NY 10536
914.232.0102
Fax: 914.301.5243
ee@TheArtAppraiser.com

THE

ART LAW

PODCAST

conversations at the intersection of art and law

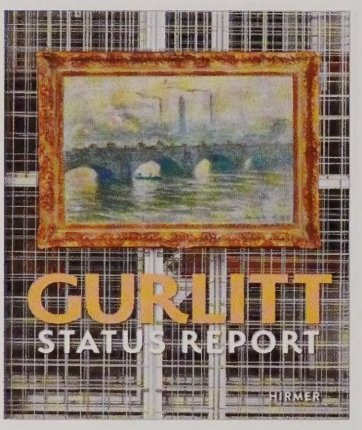
www.artlawpodcast.com

SPONSORED BY

SCH | SCHINDLER COHEN & HOCHMAN

BOOK REVIEW: A REPORT ON THE STATUS REPORT OF THE MUNICH ART TROVE

MICHELE WIJEGOONARATNA*



Andrea Baresel-Brand, Meike Hopp, Agnieszka Lulińska, eds.
Gurlitt: Status Report
Hirmer Verlag, Munich, 2017
480 Color illustrations, bibliography, index
Hard cover. 344 pp.
List Price: $35.00 USD
ISBN 9-783-7774-2963-2

"Without a doubt Hildebrand Gurlitt played a major role in Nazi art dealings. But how should we judge the degree of his involvement? What guilt does he bear for the developments and how did he face up to his responsibility?"[1] These questions, posed by scholar Meike Hoffman in the first of several essays by more than a dozen authors in the exhibition catalogue *Gurlitt: Status Report,*[2] fire the opening salvo of an argument that persists today in provenance studies devoted to the collection of the recluse Cornelius Gurlitt. The collection, referred to in English as "The Schwabing Art Trove" or, more popularly, "The Munich Art Trove," consists of approximately 1,500 works that were inherited by Cornelius Gurlitt from his father Hildebrand and were unknown to the public until 2013.[3]

The 344-page catalogue, illustrated with 480 color plates and published in both German and English by Hirmer Verlag, accompanied two jointly organized concurrent exhibitions, one at the Kunstmuseum Bern in Switzerland from November 2, 2017 to March 4, 2018, and the other at the Bundeskunsthalle in Bonn, Germany from November 3, 2017 to March 11, 2018[4] **(FIG. 1).** These were two separate although related exhibitions, and, although the

FIGURE 1. Gurlitt exhibition at the Bundeskunsthalle in Bonn, Germany, November 3, 2017-March 11, 2018. Ph: David Ertl, 2017 © Kunst und Austellungshalle der Bundesrepublik Deutschland GmbH.

* Michele Wijegoonaratna, Ph.D., is a Research Associate in the Modern and Contemporary Art Department at the Metropolitan Museum of Art, a former Art Research Associate at IFAR, and co-author with Dr. Sharon Flescher, of "The Tangled Web of a Munich Art Trove, in *IFAR Journal,* Vol. 14, no. 4/Vol. 15, no. 1, 2014.

1 Meike Hoffmann, "A critical appraisal of Hildebrand Gurlitt's life," in *Gurlitt: Status Report,* p. 23.

2 Hoffmann is the project coordinator of the research center "Degenerate Art"/ Mosse Art Research Initiative at the Freie Universitaet Berlin and was a member of the Taskforce Schwabing Art Trove.

3 The Schwabing Art Trove is the official translation of the German "SchwabingerKunstfund."

4 The Bonn exhibit will travel to Bern April 13 - July 1, 2018, and both exhibits will be on view in the Martin-Gropius-Bau in Berlin in fall 2018.

museums collaborated, each institution showed separate objects without overlap, thus shedding light on the complexity of both the works contained in the Schwabing Art Trove and the dubious activities of Hildebrand Gurlitt during the Third Reich and after the Second World War. Both exhibits were titled *Gurlitt: Status Report,* but each had a distinctive subtitle: *"Degenerate Art" – Confiscated and Sold* for Bern and *Nazi Art Theft and its Consequences* for Bonn. The distinction is clear. "Degenerate Art" refers to works of art that were defamed by the National Socialists because they did not conform to the regime's aesthetic and ideological doctrines.

"The catalogue … accompanied two jointly organized concurrent exhibitions. … Both exhibits were titled *Gurlitt: Status Report*, but each had a distinctive subtitle …"

More than 20,000 "degenerate" works were in German state museum collections by 1933, when the Nazis came to power. They were confiscated – mostly legally – after 1937 by the government, which had jurisdiction over the works and could choose to destroy or sell them on the open market.[5] Hildebrand Gurlitt, as one of the four officially appointed dealers for the Nazi Party, was therefore able to legally amass and sell degenerate art.

The works on display in Bonn, on the other hand, concentrated on the question of looting, that is to say, objects that were confiscated from their previous owners who were subjected to Nazi persecution. Here, the situation becomes more difficult to unravel. The provenance of these works is much harder to establish and the focus here, both in the exhibition and the catalogue, was to reconstruct the events surrounding their acquisition by Hildebrand Gurlitt and also his business practices and the historical circumstances that led to their entry into his collection.

As the catalogue covers both exhibitions, the editorial team, comprised of Andrea Baresel-Brand, Meike Hopp and Agnieszka Lulińska, was faced with the multiple tasks of honoring the documentary intention of two very different exhibitions; educating readers about Gurlitt's collection and its historical context; and providing a primer on provenance studies and Nazi cultural policy, while simultaneously giving a fair and unbiased voice to the current state of scholarship and journalistic scrutiny into what is known as the "Gurlitt Affair." For the most part, they succeed. The result is a worthy book of essays and 10 separate case studies written by 18 contributing authors (not including the prefaces and forewords) on a wide range of topics, whose aim is to separate fact from fiction and provide a clear idea of where the "Gurlitt Affair" research stands to date.

THE GURLITT AFFAIR

When the German press first broke the news of the now notorious "Gurlitt Affair" on November 5, 2013 **(FIG. 2),** in which it exposed the dramatic discovery and seizure of some 1,280 unaccounted for art works from the Munich home of Cornelius Gurlitt by the Bavarian police, who had concealed the find for over a year while the Public Prosecutor's Office in Augsburg investigated him for tax evasion, it also unleashed an international media firestorm. The firestorm continued after additional works were found in Salzburg. Cornelius Gurlitt, the then 79-year-old owner of the hidden stashes, had inherited the trove from his father, Hildebrand Gurlitt, a well-known art dealer in the Third Reich with substantial ties to the Nazi ruling elites and close business ties to the "Special Commission Linz" (Sonderauftrag Linz). This was a purchasing organization whose mission it was to acquire works of art for Adolf Hitler's planned Führermuseum in Linz, Austria. Headlines screamed of "looted art" and "Nazi-treasure," and

FIGURE 2. Focus magazine, November 5, 2013, which revealed the discovery of the Gurlitt art trove.

[5] Terms are defined in accordance with the detailed glossary in *Gurlitt: Status Report,* pp. 330-336.

journalists dangled famous names such as Dürer, Picasso, Matisse, and Monet in front of their readers before seducing them with wildly exaggerated claims of an unprecedented billion-euro find.

"The essays … are a welcome antidote to the sensationalized press coverage of the event and give a sober assessment of how the trove came into being and the difficulties incurred in researching it."

While the incident and its ramifications for potential restitution to the victims of Nazi persecution exploded into the public consciousness, the German authorities confiscated the works, some of which had been forcibly taken by the Nazis from museums before entering Gurlitt's collection during the war. From their initial discovery in Cornelius Gurlitt's Munich apartment in 2012, the works languished in storage until the German federal and Bavarian state governments set up the "Task Force Schwabing Art Trove" on November 11, 2013, a research initiative made up of an international committee of experts.

In the same month, the Public Prosecutor in Augsburg, whose office had investigating authority, placed the works believed by the Task Force experts to be potentially stolen into the Lost Art Database, an open-access German Internet platform created in 2000 for the documentation of art confiscated by the National Socialists as well as cultural assets relocated during the war, i.e. looted art. This list was made public for the purposes of transparency, but as Andrea Baresel-Brand points out in her catalogue essay on the challenges of provenance research, by making the art public, the authorities also hoped to garner clues about their individual provenances and provide a means for people to register claims.[6] Subsequently, more works from the Gurlitt collection were discovered: a second cache of 239 works in Gurlitt's second home in Salzburg, Austria, as well as 33 works in a suitcase that Gurlitt took to the hospital with him, and four loans that he made to his sister, Benita.[7] Many of these works were referred to the Lost Art Database, and provenance research continues.

In terms of quality, the Salzburg home offered up the best of Cornelius Gurlitt's inheritance, including Cézanne's *La Montagne Sainte-Victoire,* possibly the most valuable of the paintings in the collection.[8] Meanwhile, Cornelius Gurlitt, a reclusive man, was thrust into the unrelenting media spotlight, and on May 6, 2014, he died in Munich at the age of 81. The following day, the Kunstmuseum Bern announced that Gurlitt had made it his sole heir in his will, and the museum accepted the legacy pending resolution of questionable provenances.

GURLITT: STATUS REPORT

These are the underlying facts surrounding the "Gurlitt Affair," but they are remarkably difficult to find in the exhibition catalogue, in spite of Lucas Bächer's excellent biography of Hildebrand Gurlitt and brief chronology of the Gurlitt Art Trove. This may be due to the book's emphasis on the life and activity of Cornelius's father, Hildebrand, rather than the circumstances surrounding the discovery of the Schwabing Art Trove. The essays, however, are a welcome antidote to the sensationalized press coverage of the event and give a sober assessment of how the trove came into being and the difficulties incurred in researching it.

In a series of four essays, the first section of the book deals with the biography and business dealings of Hildebrand Gurlitt set against the historical background that turned him from a promising museum director and promoter of modern art to a successful Nazi-era art dealer and profiteer. The research has been enriched by access to an extensive archive of written documents, including business ledgers, diaries, private and pubic correspondence and over 4,000 historical black and white photographs of artworks found in the Gurlitt family estate and now housed in the Bundesarchiv

6 Baresel-Brand, Andrea. "The challenge of researching the provenance of Gurlitt's holdings," *Gurlitt: Status Report,* pp. 94-95.

7 Ibid., p. 95.

8 There has been no official appraised value of the works found in either the Munich or Salzburg locations.

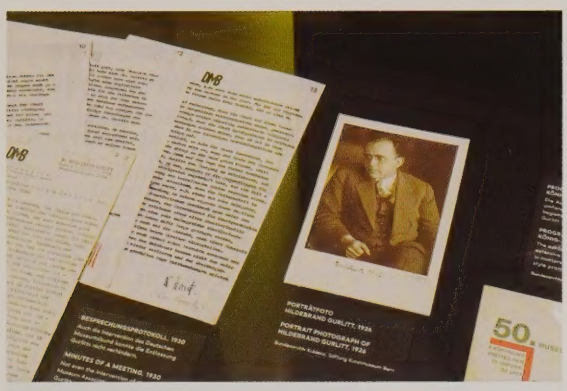


FIGURE 4. Installation view at the Bundeskunsthalle, Bonn showing documents found in the Gurlitt family estate. Ph: David Ertl, 2017 © Kunst und Austellungshalle der Bundesrepublik Deutschland GmbH.

Koblenz[9] **(FIG. 4).** The initial conclusions to be drawn from this material are published in the *Gurlitt: Status Report* for the first time. The business ledgers of the Kunstkabinett Gurlitt from 1937 to 1944 have been analyzed and show how Hildebrand Gurlitt's earnings increased ten-fold from 1937 to 1943 and how he successfully pursued a network of dealers and business partnerships in Germany, Austria and, most importantly, occupied France. Other, visual records of documents, such as the Exchange contract between Hildebrand Gurlitt and the Reich Ministry of Pubic Enlightenment and Propaganda from 12 March 1941, illustrate Gurlitt's lucrative official dealings with the Nazi government. Examples such as this one provide damning evidence about Gurlitt's commercial duplicity during the Third Reich and lead Meike Hoffmann to question how the Allies could have exonerated Hildebrand Gurlitt not just once, but twice, after the war.

What emerges from these critical appraisals of Gurlitt's life is that, as catalogue contributors Johannes Gramlich and Meike Hopp establish, Gurlitt was both a victim and beneficiary of the Nazi regime. A part-Jewish art historian who had originally committed himself to an academic career, Hildebrand was forced out of his position as the director of the König-Alberts Museum in Zwickau, Germany as early as 1931 by local conseratives, who objected to his purchase of German Expressionist works for the collection. By early 1933, before Adolf Hitler had even been appointed Chancellor of Germany, Gurlitt was fired for the second time from the Kunstverein Hamburg when the police closed down his contemporary art exhibits. Catalogue essays by Gramlich and Hopp demonstrate that his daring instincts for survival caused him not only to profit during the war, but also to lie after the war to both the Allied commanders of the Central Collecting Point in Wiesbaden, when he asserted that none of the pictures in his collection were owned by Jews or came from abroad and, later, to the German Federal Office for External Restitution, when he claimed that many of the works in his collection had been destroyed during the war.[10] These very same works were found 70 years later in the art trove belonging to his son, Cornelius.

"Examples such as this one … lead Meike Hoffmann to question how the allies could have exonerated Hildebrand Gurlitt not just once, but twice, after the war."

Birgit Schwarz's essay fleshes out the functions of the "Special Commission Linz" and describes how Gurlitt's significant role as Chief Buyer for the Commission enabled him not only to obtain the necessary foreign currency to carry out his business transactions, but also explains how he was able to transport art works across Europe during the Occupation. Gurlitt, whose name appeared as one of the most wanted war criminals on the list compiled by the Art Looting Intelligence Unit of the American Army, absolved himself of his war guilt in various ways. Most notably, through the use of his Jewish ancestry, with which he was able to convince Dwight McKay, the American Army investigator who conducted the interrogation of the dealer, that

9 Agnieszka Lulińska, "'Gurlitt: Status Report' – Topics and texts," in *Gurlitt: Status Report*, p. 13.

10 Johannes Gramlich and Meike Hopp. "'Occasionally spirit is turned into money'– Hildebrand Gurlitt as an art dealer during the Nazi period," in *Gurlitt: Status Report*, p. 43.

he had no real Nazi connections. Shlomit Steinberg's essay contextualizes Gurlitt within the intricacies of German-Jewish identity politics.

In general, these catalogue essays show that, in spite of the fact that a great deal of new material relating to the life of Hildebrand Gurlitt has been parsed over, his situation and motives remain far from clear. This leads Meike Hoffman to conclude that it is "not possible to do justice to the historical person, either positively or negatively," but that the art dealer "must have increasingly lost his moral compass."[11]

As evidence for Gurlitt's ethical lapses, Britta Olényi von Husen corroborates Hoffman's deduction by examining the provenance of several art works by Adolf von Menzel from the Albert Martin Wolffson collection, one of the ten case studies highlighted in the book.[12] This investigation makes clear that although, after the war, Hildebrand Gurlitt denied any knowledge of the whereabouts of the drawings from the Wolffson collection, the Gurlitt estate contains carefully preserved documents that prove that he was very well aware of what happened to the collection and that he himself had purchased some of the drawings, thus contradicting his official statements.[13] (One of the Menzel drawings from the Wolffson collection, which remained in Cornelius Gurlitt's possession, **(FIG. 4)**, was restituted to a Wolffson heir by the German government in February 2017.)

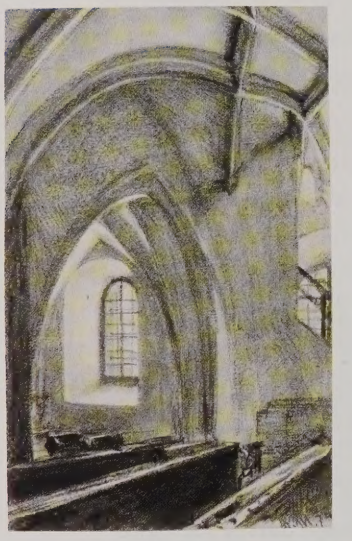


FIGURE 4. ADOLPHE VON MENZEL. ***Interior of a Gothic Church,* 1874. Graphite on vellum paper. Discovered in the Gurlitt Collection. Returned to a Wolffson heir.**

The authors of *Gurlitt: Status Report* are careful to present their research factually and remain neutral in their assessments, raising some questions rather than answering them. For example, one wonders whether the heirs of Hildebrand Gurlitt, i.e., Cornelius and his sister, Benita, were aware of the questionable provenance of some of the works they owned, most notably Henri Matisse's *Seated Woman* **(FIG.5)**, originally belonging to the dealer Paul Rosenberg, which may have been stolen from a bank vault in 1941 or might have been acquired by Hildebrand Gurlitt in 1953 from the storage vault of the Parisian art dealer Raphaël Gerard.[14] After the war, both the German and French authorities had acknowledged that the Rosenbergs had lost this work. It was the most famous find in the Schwabing Art Trove. A handwritten note in the estate documents reveals that Cornelius Gurlitt registered the Matisse in 1953, but whether he knew it was a looted piece remains unclear. The Matisse was restituted to the Rosenberg family a year after Cornelius' death.

FIGURE 5. HENRI MATISSE. ***Seated Woman,* 1921. Oil on canvas. Discovered in the Gurlitt Collection. Returned to the heirs of Paul Rosenberg. © 2018 Succession H. Matisse/ARS NY.**

This brings us to the question of culpability by both Hildebrand and Cornelius Gurlitt. Several times, the catalogue authors refer to the fact that Hildebrand Gurlitt himself did not adequately confront his own guilt. Gramlich and Hopp state that while

11 Meike Hoffmann. "The long shadows of the past – A critical appraisal of Hildebrand Gurlitt's life," in *Gurlitt: Status Report,* pp. 16, 26.

12 Britta Olényi von Husen, "'They are the finest ones, for which I had set the highest prices,' Adolf von Menzel in the collection of Albert Martin Wolffson," in *Gurlitt: Status Report,* pp. 130-134.

13 *Ibid., p. 133.*

14 Baresel-Brand in *Gurlitt: Status Report,* p. 99.

there were "signs of discomfort and regret" in his unpublished autobiographical notes, "he nowhere mentions the victims from whose persecution he profited."[15] The guilt, it seems, was passed down to his children. By quoting Benita Gurlitt's 1964 letter to her brother, Cornelius, in which she says that Hildebrand's collection "has turned into the darkest burden … we think of tax inspections, war, and its dangers, family rows," Gramlich and Hopp expose a poignant declaration of inherited guilt and self-reproach. They have also uncovered a prescient prediction of what would happen upon the discovery of the biggest find of lost art since the end of the Second World War.

The second section of this essentially tripartite book is devoted to research on the trove itself. The five essays in this section offer an interesting analysis of the twists and turns of provenance research, with Anja Heuss offering a historical account of the discipline in Switzerland and Germany, which seems to have been written to counter frequent press accusations that German museums, libraries and archives had conducted insufficient provenance research prior to the discovery of the "Gurlitt Art Trove."

Matthias Frehener looks at the trove to see how the works stack up in terms of their importance to the art historical canon. Now that the press furor over the Schwabing Art Trove has died down, it appears that the majority of the Gurlitt objects are works on paper, many of which still need to be researched to find out whether they were looted – an almost impossible task in the case of prints as well as drawings by lesser known artists. Frehner points out that the Schwabing Art Trove has mistakenly been viewed through the lens of the Nazi art looting when, in fact, only a few of the works have been proven to require restitution. Since the works have been divided into the rather artificial categories of "looted" or "degenerate" art, he poses the rather pertinent art historical question of whether we might be able to categorize the Gurlitt collection differently. Whether there was an organizing principle at work for Gurlitt; whether he was a connoisseur in his approach; and whether we can speak of any outstanding masterpieces. These questions remain unanswered, but what the *Gurlitt: Status Report* does so successfully is pose them in the first place, giving fodder for further thought and research.

What is clear from the essays in this section and the case studies that document the provenance research is the tremendously detailed and diligent research that needs to be undertaken in order to establish the history of a given work. Yehudit Shendar writes a striking account of the remarkable relationship between Jean Lenthal and Hildebrand Gurlitt, which questions the validity of primary and secondary sources. The case studies that have been chosen to highlight the lateral thinking required for provenance studies and the painstaking cross referencing that needs to occur to fully establish the history of each work of art.

Finally, and not insignificantly, the book depicts every one of the 450 works on display at the exhibitions in Bern and Bonn. This visual checklist, illustrated in color for the first time, provides an illuminating view into the range of Hildebrand Gurlitt's collection. It would have been interesting to learn how the selection of works for the two exhibitions was made and to be able to see a list of which works were shown at each venue. Similarly, given its educational premise, it would have been useful for readers to be able to easily distinguish between a "degenerate" work of art and a potentially "looted" one by consulting a list of works in the Appendix. Numerical information about the number of works discovered in the trove is largely buried in the essays. More diagrammatic information about this would have also been helpful. Finally, it would have been really interesting to read an essay that delved more deeply into Gurlitt's business dealings, so that we might understand very clearly how astute an art dealer he was and to what extent he was able to manipulate his situation during the war, not only after it. Perhaps that research is still pending – after all, the exhibition and the catalogue are "Status Report[s]," and, hopefully, we can look forward to more clarification on the "Gurlitt Affair" as time progresses.

---

15 Gramlich / Hopp in *Gurlitt: Status Report*, p. 44.

• • •

THE LEGACY OF A CONTROVERSIAL COLLECTION: WALTER CHRYSLER'S *CUBIST COMPOSITION* GETS ANOTHER LOOK

LISA DUFFY-ZEBALLOS* and SHARON FLESCHER**

"In November 1962, *Life* magazine dubbed Chrysler's art collection a `Colossal Collection of Fakes'."

Walter P. Chrysler, Jr.'s notoriously uneven art collection—filled with fakes—was one of the most widely publicized art scandals of the mid-twentieth century, precipitating hearings on art fraud, and ultimately calling attention to the need for an independent nonprofit organization to offer unbiased scholarly opinions on authenticity. It was, in part, from the Chrysler debacle that the International Foundation for Art Research (IFAR) was born in the late 1960s. How appropriate, then, that when one of Chrysler's accused "fakes" surfaced around 50 years later, it should be submitted to and reviewed by the very Art Authentication Research Service at IFAR that it helped spawn.

Cubist Composition **(FIG. 1)** is an unsigned tondo (circular painting) executed in oil on fine linen canvas in the abstract Analytic Cubist style that Georges Braque and Pablo Picasso developed ca. 1909. The painting came to IFAR with an attribution to Braque, and if it were a Braque, it would date to ca. 1911/12. Its appearance and badly abraded condition were consistent with a work many decades old.

Chrysler claimed to have acquired the painting from Braque himself sometime in the late 1930s or 1940s. Nevertheless, *Cubist Composition* was one of dozens of paintings from Chrysler's collection that were denounced in the press as fakes (see below) by members of the Art Dealers Association of America (ADAA), and others, in the early 1960s. Despite its tarnished reputation, and in light of the fact that the Braque attribution still clung with a question mark to the painting, whose new owner wanted an answer, IFAR agreed to research the work, to try to put to rest the unresolved questions surrounding Chrysler's erstwhile Cubist "masterpiece."

FIGURE 1. ***Cubist Composition,*** oil on canvas, 28 ½ in. diameter, once owned by Walter Chrysler, Jr. Submitted to IFAR for verification of its Braque attribution.

THE INSATIABLE COLLECTOR

The saga of Walter Chrysler, Jr. (1909-1988), heir to the automotive empire founded by his father, provides a cautionary tale for collectors about the pitfalls attending the rapid and unbridled acquisition of art. Over a 65-year period, starting at the age of 14, Chrysler amassed a vast and eclectic art collec-

* Lisa Duffy-Zeballos, Ph.D. is the Art Research Director at IFAR.

** Sharon Flescher, Ph.D., is the Executive Director of IFAR and Editor-in-Chief of the *IFAR Journal.*

tion comprising both genuine masterpieces, many of which formed the foundation of the Chrysler Museum of Art, now in Virginia, as well as numerous dubious or outright fake works of art.

Chrysler acquired artworks with alarming speed, once boasting that over 25,000 works had passed through his hands. Although he occasionally sought the counsel of art advisors, more often he trusted his own — admittedly imperfect — eye. One curator described Chrysler's collecting style as "sometimes getting it absolutely right, every now and then, getting it absolutely wrong, and not stopping long enough to know the difference."[1] Even more troubling was Chrysler's reckless habit of snapping up "bargains" from disreputable dealers who refused to attribute the paintings they sold, much less guarantee their authenticity.

Chrysler purchased his first paintings by Braque and Picasso during the 1930s, and claimed to have acquired his first Braque in Paris in 1931.[2] By 1938 that number had risen to ten,[3] six of which were featured in a 1937 exhibition of Chrysler's collection at the Arts Club of Chicago and the Detroit Institute of Arts. These included indisputably authentic Braque paintings, such as *La Nappe Rose,* as well as several questionable "Braques," but not *Cubist Composition.*[4] It was also not included in a 1941 exhibition of Chrysler's collection held at the Virginia Museum of Fine Arts and the Philadelphia Museum of Art.[5] Significantly, this exhibition encompassed Chrysler's entire collection of 341 works, including 14 paintings and one work on paper attributed to Braque. The absence of *Cubist Composition* from this exhibition, therefore, suggests that Chrysler acquired the painting sometime after 1941.

Cubist Composition was first exhibited in 1960 in *The World of Art in 1910* exhibition held at the Delgado Museum of Art in New Orleans. The catalogue lists the painting only as "*Cubist* /1910, lent by Walter Chrysler, Jr.," without any additional provenance. Neither the New Orleans show nor either of the two previous exhibitions of Chrysler's works seemed to have raised public concerns about the authenticity of his collection, but serious concerns *were* being voiced within the art community.

The first sign of trouble came in 1961, when Chrysler proposed lending 12 works from his collection to an exhibition in New York in honor of Picasso's eightieth birthday. When photos of Chrysler's Picassos were shown to the artist, Picasso allegedly scrawled "faux" across two of them.[6] Offended that the exhibition's curators refused to show the two contested works, Chrysler withdrew all of his paintings from the exhibition.

THE CONTROVERSIAL CENTURY

In 1962, the recently founded Chrysler Museum of Art staged an exhibition titled *The Controversial Century: 1850-1950,*[7] which opened in Provincetown, Massachusetts in the summer and then travelled to The National Gallery of Canada. The exhibition featured 187 French and American paintings from the Chrysler Museum, as well as selected works from Chrysler's personal collection.[8] Three paintings attributed to Braque were included in the exhibition: two unquestionably authentic works, *Harbor in Normandy* (Art Institute of Chicago) and *Artist and Model* (Norton Simon Museum), as well as the virtually unknown *Cubist Composition.*

---

1 Peggy Earle, *The Legacy of Walter Chrysler Jr. and the Untold Story of the Chrysler Museum of Art* (Charlottesville: University of Virginia Press, 2008), p. 60.

2 T. Connors, "Saga of a Compulsive Collector," *M Magazine* (June 1989), pp. 4-6.

3 John Lerch, "Walter P. Chrysler Jr.'s Collection of Twentieth Century Masterpieces," *Country Life and the Sportsman* (May 1938), p. 65.

4 *Selected Exhibition of the Walter P. Chrysler, Jr. Collection* (Detroit: Detroit Institute of Arts, 1937). The exhibition included the following paintings said to be by Braque: *La Nappe Rose; Still Life; Composition; Still Life with Lemons; Composition-Still Life;* and *Abstract Composition-Nature Morte.*

5 *Collection of Walter P. Chrysler, Jr.: Exhibited for the First Time in its Entirety by the Virginia Museum of Fine Arts* (Richmond: Virginia Museum, 1941).

6 William J. Gill, "The Collector's Puzzling Path," *Life* (Nov. 2, 1962), p. 84.

7 The Chrysler Museum of Art was founded in Provincetown, MA in 1958. In 1971, Chrysler moved the museum to Norfolk, Virginia, where he served as Director from 1971-1976.

8 *The Controversial Century: Paintings from the Collection of Walter P. Chrysler, Jr.* (Provincetown, MA: Chrysler Museum; Ottawa: National Gallery of Canada, 1962).

When *The Controversial Century* opened in Provincetown, *New York Times* art critic John Canaday wrote an enthusiastic review (later retracted), but not everyone was so impressed. One of these was Ralph Colin, the Administrative Vice President and Counsel of the newly formed ADAA, who recalled upon viewing the exhibition being "struck by the large percentage of fakes. They weren't even good fakes"[9] **(FIG. 2).**

FIGURE 2. ADAA members examining photographs of works in Walter Chrysler's collection: Seated third from the left, Alexandre Rosenberg, with Ralph Colin seated next to him. Photograph by Bill Eppridge from *Life,* Nov. 2, 1962.

On behalf of the ADAA, and in an effort to prevent the exhibition from traveling to Ottawa, Colin alerted officials in the Canadian government and the National Gallery of Canada that the exhibition contained fraudulent artworks. He also contacted the New York Attorney General as well as U.S. Customs Officials to prevent the dubious paintings from re-entering the United States from Canada. Alexandre Rosenberg, then President of the ADAA, also wrote a letter to the Chief of Exempt Organizations at the Internal Revenue Service stating that, in the ADAA's opinion, "close to half" of the works in *The Controversial Century* exhibition were "evident fakes" and that the exhibition itself, for which visitors were charged admission, constituted a "substantial fraud" against the public.[10]

The ADAA alleged that the exhibition catalogue contained deliberate omissions and even outright fabrications in the provenances and exhibition histories for many of the suspect works.[11] The majority of the paintings targeted as fakes were nineteenth-century paintings sold to Chrysler through the New York art dealers H.B. Yotnakparian and Joly Hartert, both of whom had previously been accused of falsifying provenances (and were accused again years later).[12] Neither gallery is mentioned in the provenance of *Cubist Composition,* however, which stated only, "The Artist, 1910-1912; Barcelona, Spain, 1912." Since Braque is not known to have lived in Barcelona, the reference here implies that *Cubist Composition* was in a private collection in Spain by 1912, contradicting Chrysler's assertion that he acquired the painting directly from the artist.

The painting's puzzling and oddly incomplete pedigree did not pass unnoticed at the time. In a letter to the *Burlington Magazine,* Harvard art history professors Frederick Deknatel and Mark Roskill singled out *Cubist Composition* for its lack of credible provenance, noting that "very curiously, no other record of intermediate ownership is provided" after 1912.[13] The painting's alleged exhibition history, which cited *Cubist Composition* in an unnamed exhibition in Barcelona in 1912, was even more problematic. IFAR could find no reference to an exhibition of Braque's work in Bar-

9 "Who Painted These?" *Newsweek* (Oct. 29, 1962).

10 Paul Rosenberg, Series II. PI., MoMA Archives, NY. Letter from Alexandre Rosenberg to the Chief, Exempt Organizations Branch, IRS (Sept. 27, 1962). The archives of the ADAA, which are housed in the Paul Rosenberg Archives, were made available to IFAR through the kind permission of Mr. Gilbert Edelson, former Administrative Vice President and Counsel of the ADAA, and Mrs. Alexandre Rosenberg.

11 Robert Alden, "Paris Experts Challenge Some Chrysler Art," *The New York Times* (Oct. 19, 1962).

12 Chrysler purchased 90 paintings from the Hartert Gallery, all of which were suspected of being fakes executed by Jack Hartert. The gallery closed following the Chrysler scandal, but Jack's father, Joseph Hartert, continued to sell forgeries out of a warehouse in Peekskill, NY. See Bonnie Burnham, "Forger's Oeuvre Comes to Light," (IFAR) *Stolen Art Alert,* Vol. 1, no. 3 (March 1980), p.1.

13 Frederick Deknatel and Mark Roskill, "Chrysler Paintings in Ottawa," *Burlington Magazine,* Vol. 105, (May 1963), pp. 210-13.

celona in 1912. There was, however, an *Exposició d'art cubista* at the Galeries Dalmau in Barcelona in 1912, although that exhibition did not include any works by Braque.[14] Amazingly, Braque himself, who died in August 1963, and who presumably would have been aware of the furor caused by the Chrysler exhibition, is not known to have made any public comment about these works.[15]

The scandals surrounding the *Controversial Century* and Chrysler's art collection played out in the press throughout the fall of 1962. Canaday viewed the exhibition again in Ottawa, and immediately printed a retraction of his earlier review, observing that "Within this large and fine exhibition there is secreted a second and smaller one in which pedigrees are nonexistent or dubious, and attributions are arbitrary to such an extent that the stylistic evidence being what it is, one must question them."[16] A follow-up article in *The New York Times* observed that some of the Parisian galleries listed in the provenances of Chrysler's works were unheard of in Paris art circles, and that "experts quoted as vouching for the authenticity of the paintings are similarly unknown."[17]

In November 1962, *Life* magazine dubbed Chrysler's art collection "A Colossal Collection of Fakes" **(FIG. 3)** and showed a photograph of Chrysler standing next to *Cubist Composition* at the opening of the Ottawa exhibition, while the caption below reads, "Walter Chrysler stands between two paintings of doubtful authenticity. He claims the paintings are by Braque and Klee."[18] Chrysler, who loftily left the unseemly wrangling over authenticity to the critics and art historians, defended his collection by simply stating, "I am satisfied with the pictures."

The *Controversial Century* exhibition was devastating to Chrysler's reputation as an art collector. Some members of the press even accused him of knowingly exhibiting fakes in order to sell them later as authentic works, or to claim huge tax deductions for donations of fake paintings to the Chrysler Museum of Art. In the years following the exhibition, curators at the Chrysler Museum quietly removed all of the disputed works from their

FIGURE 3. Walter Chrysler standing next to ***Cubist Composition*** at the opening of "The Controversial Century" exhibition in Ottawa. Photograph by Donald Cameron from *Life*, Nov. 2, 1962.

14 Mercè Vidal, *1912: l'exposició d'art cubista de les Galeries Dalmau* (Barcelona: Universitat de Barcelona Publications, 1996).

15 IFAR found no reference to any public statements by Braque regarding the exhibition or Chrysler's collection, nor did we find any private comments in the dealers' records we consulted. The unpublished Georges Braque papers are held by the Galerie Leiris in Paris, which did not reply to IFAR's inquiry.

16 John Canaday, "Seconds in Ottawa: High and Low in the Chrysler Show," *The New York Times* (Oct. 14, 1962), p. 139.

17 Robert Alden, *op. cit.*

18 William J. Gill, "Colossal Collection of Fakes: The Strange Story of the Walter Chrysler, Jr. Art Scandal," *Life* (Nov. 2, 1962), p. 80.

holdings.[19] By 1971, Chrysler claimed to have purged all obvious forgeries from his personal collection; but several years later, when asked what he had done with the fakes, Chrysler replied "nothing."[20]

CUBIST COMPOSITION

Until *Cubist Composition* resurfaced, however, the ultimate fate of Chrysler's alleged fakes was something of a mystery. It now appears that, in some cases at least, Chrysler sold or bartered the doubtful works to private collectors, possibly misrepresenting some of them as authentic. Although it was widely reported in the press during *The Controversial Century* that as many as 70 of the paintings in the exhibition were fakes, Chrysler himself insisted that no one had ever indicated to him which ones they were. In the case of *Cubist Composition,* Chrysler may have convinced himself that it was authentic, since the primary public objection raised against it was its lack of credible provenance. The painting remained in Chrysler's possession until 1978, when he apparently exchanged it for an Egyptian sarcophagus and other antiquities from a private collector.[21] The painting was later sold in 1992 to another collector, whose family then submitted it to IFAR for research.

According to the current owners, Chrysler is said to have admitted at the time of the sarcophagus exchange that his painting was not generally accepted as an authentic Braque. Nevertheless, Chrysler apparently continued to insist that he had acquired *Cubist Composition* directly from Braque himself around the time he commissioned another (unknown) painting from Braque called *The Musician.* The only Braque painting by that title, however, is a 1917 work in the Kunstmuseum Basel, which was never in Chrysler's collection. Chrysler was possibly referring to *Woman with a Mandolin,* which he acquired sometime between 1937 and 1941, or possibly even *Artist and Model,* which he commissioned from Braque in 1937.

Cubist Composition is not listed in the Braque catalogue raisonné,[22] nor was it included in any early exhibitions of Braque's works or cited in any of the published literature on the artist. At the time that Chrysler is thought to have purchased *Cubist Composition,* Braque's dealer was Paul Rosenberg, whose gallery represented Braque, although not exclusively, from 1924 until the artist's death in 1963. IFAR consulted the gallery's archival records,[23] but found no mention of either *Cubist Composition* or of Walter Chrysler's acquisition of a work matching its description. Nor was there any reference to Braque or to *Cubist Composition* in Chrysler's own papers, which are housed in the Special Collections Library at Dartmouth College.[24] In the end, IFAR could not substantiate Walter Chrysler's claim that he acquired *Cubist Composition* directly from Braque. More importantly, we found no evidence in any of the published or unpublished documents we consulted to link *Cubist Composition* to Georges Braque.

A DUBIOUS BRAQUE RE-EXAMINED

When *Cubist Composition* was publicly declared a fake in the pages of *Life* in 1962, the critics' *specific* objections to the Braque attribution were not made public. For its review of the painting, IFAR consulted a conservator and three prominent specialists on Braque's Cubist works, whose close examination revealed numerous inconsistencies vis-à-vis Braque's style and inadequacies in quality, ultimately leading them and IFAR to agree with the earlier negative assessment of the painting.

---

19 In 2001, then Chrysler Museum Director, William Hennessy, stated that neither he nor "the museum's registrar nor the archivist could determine if the [deaccessioned] works were destroyed or resold." Daniel Grant, "The Fate of Fakes," *Antiques and the Arts Online* (Feb. 2001).

20 Malcolm Carter, "The Chrysler Museum: Clouded by Controversy," *ARTnews,* Vol. 75 (Feb. 1976), pp. 56-62.

21 Told to IFAR by the owner who submitted the work, with no supporting documents.

22 Nicole S. Mangin, Nicole Worms de Romilly and Jean Laude, *Catalogue de l'œuvre de Georges Braque, peintures,* v.1- v. 7 (Paris: Maeght, c1959).

23 In 1940, Paul Rosenberg moved his Paris gallery to New York. Unfortunately, there is a significant gap in the gallery's records from 1928 to 1939, the period most relevant to the present inquiry. The Paul Rosenberg Archives were made available to IFAR with the kind permission of Mrs. Alexandre Rosenberg.

24 At IFAR's request, archivists at the Rauner Special Collections Library at Dartmouth College examined the contents of the Walter P. Chrysler, Jr. Papers in their collection, but found no reference to Georges Braque or to the IFAR painting.

Cubist Composition was mostly likely inspired by Braque's *Violin* **(FIG. 4),** an oval painting from 1911, but the Chrysler work does not compare favorably: its execution is too careful, its overlapping planes too clear and self-contained, and its highlighting too carefully circumscribed within the planes. By contrast, Braque's *Violin,* is, in the words of one specialist, "rich and complicated," its shading flowing seamlessly from one plane to another of the same color and value, so that order dissolves between them. As another specialist remarked, Braque's overlapping planes exhibit a "fluidity and indefiniteness" that is completely missing from *Cubist Composition.*

"Until *Cubist Composition* resurfaced, the ultimate fate of Chrysler's alleged fakes was something of a mystery."

While the painter of the Chrysler work appropriated figurative motifs from Braque's *Violin,* including fragments of violin strings, instrument scroll heads, and sickle shapes, as well as abstract forms, such as the projecting triangular shapes at the left, the imitator notably also included motifs *not* found in *Violin* or other Braque paintings. The thin arrows on the right and left sides of the Chrysler painting, for example, which as one expert observed "don't appear to point to anything," are inconsequential to the composition, and inconsistent with anything Braque would do.

The lettering in the Chrysler work is also problematic. When Braque incorporates fragments of words into his Cubist compositions, they either refer to newspaper headlines (such as 'Jou' for *Journal*), or relate to an object in the painting (such as 'Bach' in paintings of musical instruments). By contrast, the faux-stenciled, hand-painted letters 'CIE' in *Cubist Composition,* possibly a reference to the French abbreviation of *compagnie,* are not found in Braque's authentic paintings, and serve no purpose within the context of *Cubist Composition's* other motifs. Moreover, the lettering itself is too sloppy and amateurish to be by Braque, who had trained as a painter-decorator and excelled in hand-lettering.

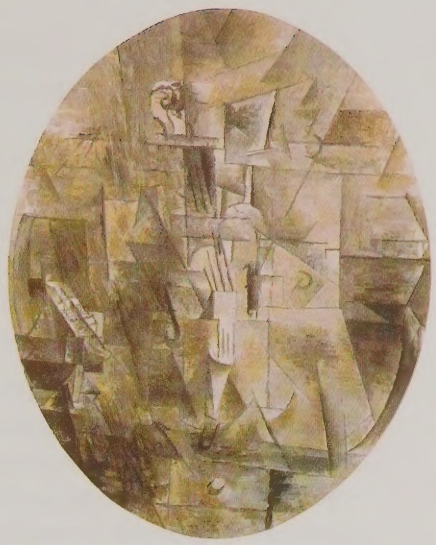


FIGURE 4. GEORGES BRAQUE, *The Violin,* 1911, oil on canvas, 71 x 59.5 cm. Musée des Beaux Arts, Lyon. © 2018 ARS, NY/ADAGP, Paris.

To one specialist, the Chrysler painting appeared to be by the same hand as two works in the catalogue raisonné whose authorship has also been questioned. In the final analysis, even absent conclusive forensic evidence, the Chrysler "Braque" submitted to IFAR was determined to be nothing more than a clever pastiche, containing elements from Braque's early musical still lifes re-arranged into an ersatz Analytic "Cubist Composition."

The painting's lack of credible provenance; the absence of any documentation or dealers' records linking it to Braque; the stylistic inconsistencies with Braque's oeuvre — the absence of the rich painterly quality of Braque's facture, for example — confirmed that the doubts raised about the painting in 1962 were justified. We are reminded once again that just because a work of art comes from a prominent collection, it is no guarantee of authenticity.

• • •

PORTRAIT'S PEDIGREE HOLDS UP BUT NOT ITS VAN DYCK ATTRIBUTION

LISA DUFFY-ZEBALLOS*

Detecting a master's hand from those of followers and studio assistants is among the thorniest issues facing scholars of Old Master paintings. IFAR was recently called upon to help resolve this very issue regarding a large double portrait of Paul Lord Bayning, Second Viscount Sudbury, and his wife Penelope **(FIG. 1),** said to be by Anthony van Dyck. The painting contains an old inscription on the bottom, "Vandycke Pinx. H," but Van Dyck scholars did not agree, including the authors of his 2004 catalogue raisonné, who described it as a "school piece."[1]

Nevertheless, the painting's owner believed it to have been executed in Van Dyck's workshop, possibly with input from the master. There is precedent for this: Van Dyck and Studio painted several individual portraits of Paul and Penelope Bayning, although only one survives, a full-length portrait of Penelope Bayning as Countess of Pembroke. It shows Van Dyck's hand in the delicate execution of the face, while her heavy formless costume is by a studio assistant.[2]

FIGURE 1. ***Portrait of Paul Bayning, 2nd Viscount Sudbury, and Penelope Bayning,*** oil on canvas, 51 ¾ x 72 ½ in., submitted to IFAR for attribution research.

> "The double portrait could have been executed by any number of painters working in England, both during Van Dyck's lifetime or after his death."

The double portrait of *Paul and Penelope Bayning* submitted to IFAR is a composite of two different Van Dyck portraits. Penelope's bejeweled silver gown and blue sash are copied from *Mary Villiers, Lady Herbert and Later Duchess of Lennox and Richmond as St. Agnes* **(FIG. 2),** while its composition is based on the famous portrait of *Dorothy, Viscountess Andover and Later Countess Berkshire, with Her Sister, Elizabeth, Lady Thimbleby* **(FIG. 3).** The standing woman, Elizabeth, served as the model for Paul Bayning, who mimics the pointing gesture of her right hand. The seated Dorothy is the model for Penelope, whose gesture in accepting a basket of flowers from a winged putto is a direct quotation from Van Dyck's original.

The fact that the artist of the Bayning double portrait knew Van Dyck's two other portraits is not evidence that it was executed in his studio, since the works were well-known and accessible during the seventeenth century. The portrait of *Mary Villiers,* for example, which was commissioned by King Charles I, hung in the royal collection at St. James's

* Lisa Duffy-Zeballos, Ph.D. is the Art Research Director at IFAR.

1 Susan Barnes, Nora De Poorter, Oliver Millar, and Horst Vey, *Van Dyck: A Complete Catalogue of the Paintings* (New Haven: Yale University Press, 2004), p. 436.

2 Ibid., no. 187.

FIGURE 2. ANTHONY VAN DYCK, ***Lady Mary Villiers, Duchess of Lennox and Richmond,*** ca. 1637, oil on canvas, 186.7 x 137.2 cm. Royal Collection, Windsor Castle.

Palace, while the Thimbleby painting was recorded in the collection of the court painter Sir Peter Lely before 1680.[3] Consequently, the Bayning double portrait could have been executed by any number of painters working in England, both during Van Dyck's lifetime or after his death.

HISTORY OF THE BAYNING DOUBLE PORTRAIT

Paul Bayning, 2nd Viscount Sudbury (1616-1638) was the only son and heir of Paul Bayning, 1st Viscount Bayning of Sudbury, and Ann Glenham (later Duchess of Dorchester). In 1624 at the age of eight, Paul Bayning married the even younger four-year-old Penelope Naunton (1620-1647), and the couple later settled in Essex. The marriage produced two daughters, Anne Bayning, later Countess of Oxford (1637-1659) and Penelope Bayning, later Lady Herbert (1638-1657), both of whom died childless and, like their parents, tragically young. Paul Bayning died in 1638 at the age of 22; his widow married Philip Herbert, 5th Earl of Pembroke, with whom she had one son. Penelope herself died intestate in 1647 at the age of 27.

Exactly when the "IFAR" portrait of *Paul and Penelope Bayning* was commissioned — and by whom — is unknown. But Paul Bayning's vacant staring expression suggests that his, at least, may be a posthumous likeness. Did Penelope Bayning commission the painting from Van Dyck sometime between Paul's death in June 1638 and her remarriage eight months later? Or did one of the couple's daughters, perhaps, commission it, not from Van Dyck, who died in 1641, but from one of his followers or studio assistants?

When it was submitted, all IFAR knew of the painting's early history was that it belonged to an alderman from Wigan, England in the 1940s. In 1900, however, a double portrait depicting "Bayning, Paul,

FIGURE 3. ANTHONY VAN DYCK, ***Dorothy, Viscountess Andover and later Countess Berkshire, with Her Sister, Elizabeth, Lady Thimbleby,*** ca. 1637, oil on canvas, 132.1 x 149 cm. National Gallery London.

[3] The *Thimbleby Portrait* generally is believed to date to 1637, to commemorate the marriage of Dorothy Savage to Charles, Lord Andover. Walter Liedtke, the late Metropolitan Museum Curator, however, argued that it celebrated the marriage of Elizabeth Thimbleby in 1635. Walter Liedtke and Michelle Safer, "Reversing the Roles: Van Dyck's Portrait of Lady Elizabeth Thimbleby with Her Sister Dorothy Savage," *The Burlington Magazine,* Vol. 151, no. 1271 (Feb. 2009), pp. 79-83.

FIGURE 4. EDWARD HAYTLEY, *Sir Roger Bradshaigh, 4th Bart. and Dorothy, Lady Bradshaigh, in front of Haigh Hall, Wigan,* 1746, oil on canvas, 68 x 90 cm. Museum of Wigan Life, Wigan.

Second Viscount, and Penelope, His Wife" was cited hanging in Haigh Hall in Wigan in the collection of the Earls of Crawford and Balcarres.[4]

Given the unlikely possibility that Wigan once held *two* paired portraits of Lord and Lady Bayning, we felt certain that our painting was the one from Haigh Hall. This was all the more likely since David Lindsay, the 28th Earl of Crawford, sold Haigh Hall to the Wigan City Council in 1947, which may explain how the alderman acquired the painting.

The Earls of Balcarres owned Haigh Hall after 1787; before that it belonged to the Bradshaigh family, whose last surviving member was Dorothy Bellingham, Lady Bradshaigh, widow of Sir Roger Bradshaigh, 4th Bart **(FIG. 4)**. When IFAR examined Lady Bradshaigh's 1782 will, we came across her instructions for the disposal of the picture collection, which states that "all the pictures [of] the House of Haigh *... marked with a capital H on the right or painted side,"* [italics added] should remain at Haigh Hall. She further orders the estate's new owners not to "remove from the Hall of Haigh nor sell ... dispose of or abuse" those paintings.[5] This would explain the enigmatic capital "H" from the painting's inscription, and also indicates that the inscription "Vandycke Pinx," which a conservator noted was written in the same paint as the "H," dates from this early period as well.

But why was the *Portrait of Paul and Penelope Bayning* brought to Wigan in the first place? And who owned it before the Bradshaighs? We still don't know all the answers, but we believe that Roger Bradshaigh, 3rd Bart. of Haigh Hall, inherited it from his mother, Mary Bradshaigh (née Murray), who was Paul Bayning's niece.

Mary Bradshaigh's mother was Anne Murray (née Bayning), Viscountess Bayning of Foxley **(FIG. 5)**, Paul Bayning's younger sister. Anne Bayning, who did not marry into a titled family, and became "Mrs. Murray" on her marriage, successfully petitioned Parliament to inherit her late brother's title. IFAR discovered that Anne Bayning indeed had inherited a portrait of *Paul and Penelope Bayning* from her sister, Mary Bayning, Countess of Anglesey,[6] whose 1671 will bequeathed "to my dear Sister Mrs. Murray my Pictor of my Brother Bayning and his Lady in one."[7] It seems virtually certain that this is the double portrait of *Paul and Penelope Bayning* that was submitted to IFAR.

While Mary Bayning, Countess of Anglesey, owned the painting before 1671, it is not clear whether she originally commissioned the portrait, or if she herself

4 Lionel Cust, *Anthony van Dyck, an Historical Study of His Life and Works* (London: George Bell and Sons, 1900), p. 269, no 22.

5 IFAR's provenance research was greatly facilitated by the recent digitization of the inventory and probate records housed at the British National Archives. Will of Dame Dorothy Bradshaigh, Widow of Haigh, Lancashire, 11 March 1786, The National Archives, PROB 11/1139/264, p. 287.

6 The Hon. Mary Bayning married William Villiers, 2nd Viscount Grandison of Limerick; secondly, Charles Villiers, 2nd Earl of Anglesey; and thirdly, Arthur Gorges, Esquire.

7 Will of Mary Countess of Anglesey, Dowager, 16 February 1677, The National Archives, PROB 11/355/24.

FIGURE 5. ANONYMOUS, ***Portrait of Anne Murray, 1st Viscountess Bayning of Foxley,*** ca. 1642, oil on canvas, 202.8 x 127.5 cm. Norfolk Museums Service, Norfolk.

had inherited it. Likewise, we still don't know exactly when it was painted or the name of the artist. In this regard, Mary Bayning's will may be suggestive for what it does *not* say; namely, it doesn't mention Van Dyck, and given Van Dyck's renown at the time, we can assume that the Countess would have identified him as the artist if he had, in fact, painted it.

VAN DYCK AND STUDIO?

To help resolve the question of the painting's attribution, IFAR enlisted the help of two leading Van Dyck scholars, Dr. Christopher Brown and Dr. Susan Barnes, who upon examining the painting for IFAR, found no evidence of Van Dyck's hand. They further noted that while some of Van Dyck's paintings of English aristocrats sometimes lack the psychological depth of his Flemish and Italian portraits, *Paul and Penelope Bayning*'s wooden expressionless faces are far too generic to have been painted by anyone in Van Dyck's studio, much less by the master himself.

In contrast with the supple diaphanous silks and satins one sees in Van Dyck's *Thimbleby Portrait*, the stiff drapery in the Bayning portrait is dull, lacking the beauty, complexity and depth of Van Dyck's drapery. Paul Bayning's schematically rendered stiff lace cuffs and collar looked, one expert remarked, like "something out of a pattern book."

More substantively, the experts noted that the artist of the double portrait resorted to the tell-tale artistic "cheat" of using heavy drapery to disguise his technical deficiencies in rendering anatomy. Thus, the artist draped a large blue sash over Penelope's shoulder to disguise the awkward foreshortening of her upper arm, and, apparently unable to imitate the complicated gesture of Elizabeth's left arm in Van Dyck's *Thimbleby Portrait,* the IFAR artist simply hid Paul Bayning's left arm under a formless black cloak.

While the amateurish rendering of the drapery can be blamed on studio assistants, there can be no excuse for the artist's difficulty in rendering anatomy. All of the painting's deficiencies are on display in the figure of Cupid, who, the specialists agreed, with his "overflorid" complexion, flattened torso, overlarge arm, and "stuck on" two-dimensional head, is by far the weakest element in the composition.

Although the Bayning portrait's disappointing lack of quality ruled out an attribution to Van Dyck, or even to his known followers, its complex pedigree was anything but disappointing. Far from the painting being a fake, IFAR's research showed that the *Portrait of Paul and Penelope Bayning* was painted during the mid-seventeenth century, and that it had been passed down as a valued possession through successive generations of the sitters' aristocratic family.

• • •

ALL IN THE (MOUNT) FAMILY: WHICH *SPORTSMAN AT THE WELL* IS AUTOGRAPH?

LISA DUFFY-ZEBALLOS*

How does one go about investigating two nearly identical paintings? Can they both be authentic? This is exactly what IFAR had to decide when a small genre painting titled *Sportsman at the Well* **(FIG. 1)** was submitted to our Authentication Research Service to determine whether it was by the American painter William Sidney Mount (1807-1868). The work, signed "Wm S. Mount. /1848," depicting a mustachioed huntsman taking a drink from a well after a day of shooting, is nearly identical to an oil study titled *At the Well* at the New Britain Museum **(FIG. 2)**, whose attribution to Mount has never been questioned. The circumstantial evidence backing the IFAR *Sportsman* looked promising: Mount is known to have painted several versions of the subject, and it had a distinguished provenance. Since the painting was clearly not a fake and Mount did not employ studio assistants, who other than the artist himself would have painted a signed copy? We did not have to look far beyond Mount's own close family circle in Stony Brook, Long Island for possible answers.

"Mount is known to have painted several versions of the subject, and it had a distinguished provenance."

FIGURE 1. ***Sportsman at the Well,*** submitted to IFAR, oil on panel, 24 x 17 ¼ in., signed on the barrel "Wm S. Mount. /1848."

FIGURE 2. WILLIAM SIDNEY MOUNT, ***At the Well,*** 1848, oil on cardboard mounted on panel, 20 ⅞ x 15 ⅜ in. New Britain Museum of American Art, New Britain, CT.

The provenance of the IFAR *Sportsman at the Well* could be traced directly to Charles Q. Archdeacon, William Sidney Mount's great-grandnephew, who claimed to have inherited it from his great-aunts in the early twentieth century. Archdeacon sold the painting in 1941, and the following year it was included in an exhibition of Mount's paintings held

* Lisa Duffy-Zeballos, Ph.D. is the Art Research Director at IFAR.

at the Brooklyn Museum.[1] Soon after its public debut, however, some scholars, including John Baur, the exhibition's curator, questioned its attribution. Later, Alfred Frankenstein omitted it from his 1975 catalogue raisonné of Mount's works, noting in a letter to a colleague that he was convinced that it was "a copy of a Mount by another and decidedly inferior hand."[2] Nevertheless, the painting's owners continued to assert its authenticity, bolstered by its distinguished provenance and the knowledge that Mount had painted at least two and as many as four versions of the theme.

SPORTSMEN AT THE WELL

The inspiration for the painting's subject was probably Samuel Woodworth's 1826 poem "Old Oaken Bucket," in which he describes drinking from his farm's "old oaken bucket, the iron-bound bucket/ the moss covered bucket which hung in the well" after a day of work. The poem, which also became a popular song, evoked nostalgia for a simple way of life that, even by the 1820s, was disappearing.

Mount's paintings on the theme of a hunter at a well were titled variously (and sometimes referred to interchangeably) as *Well by the Wayside* and *Sportsman at the Well*. The earliest known reference is to a *Well by the Wayside,* which is written in Mount's handwriting on the back of an envelope dated June 1848. In an undated diary entry from the same year, Mount provides a description of this painting as "*Well by the Wayside* on canvass [sic] 25 x 30 [inches]".[3]

In November 1848, Mount attempted to sell a painting titled *Well by the Wayside* to the American Art Union in New York for $300, but the offer was declined. He later complained in his diary, "I understand that the committee objected to my picture of the *Sportsman at the Well* because *one of the figures* supported a moustache — What a noble committee surely" [italics added].[4] In 1849 Mount exhibited a painting titled *Well by the Wayside* (possibly the same painting) at the National Academy of Design in New York.[5] Finally, a work entitled *Sportsman at the Well* was listed in Mount's Estate Sale in 1871, with a pre-sale estimate of $220. That work failed to sell, and the Mount family paid a buy-in commission for the reserve price.

None of the paintings listed above can be traced today. Moreover, neither *At the Well* nor the IFAR *Sportsman at the Well* can be identified with the lost *Well by the Wayside* cited in Mount's diary in 1848. That painting is described as a large work on canvas, while the IFAR *Sportsman* is on panel and *At the Well* is painted on cardboard. Likewise, neither can be the *Well by the Wayside* that Mount offered to the American Art Union in 1848, since that composition contained more than one figure.

Could the IFAR *Sportsman,* like *At the Well,* be another finished study for a now-lost original, or was it, as Frankenstein had suggested, a copy by a lesser hand? And if the latter, whose hand?

THE MOUNT FAMILY OF PAINTERS

There was no shortage of candidates among the talented Mount family. Although not as well known as other American artistic dynasties like the Peales and the Vanderlyns, the Mounts of Stony Brook were accomplished painters. Mount's two older brothers, Shepard Alonzo Mount and Henry Smith Mount were professional artists and members of the National Academy of Design. His sister, Ruth Hawkins Mount (Seabury), and her son, Samuel Seabury, were both amateur painters, as was Mount's niece Evelina (Nina) Mount, the daughter of Henry, who painted mainly landscapes and flower still lifes. Evelina, while not as talented as either William Sidney or Shepard Alonzo, was a professionally trained artist and exhibited at the National Academy. Significantly,

---

1 *Catalogue of an Exhibition of Drawings and Paintings by William Sidney Mount, 1807-1868* (Brooklyn: Brooklyn Museum of Art, 1942), No. 71.

2 Correspondence from Alfred Frankenstein to Jane des Grange, Director of the Museums at Stony Brook, February 7, 1971. The Long Island Museum Curatorial Files on *The Sportsman at the Well.*

3 Alfred Frankenstein, *William Sidney Mount* (New York: Harry N. Abrams, 1975), p. 472.

4 *The Whitney Journal,* undated entry following one dated January 17, 1849. Long Island Museum. Mount also described this episode in a letter dated Dec. 3, 1848 to George Pope Morris. See Frankenstein, p. 234.

5 *National Academy of Design Exhibition Record, 1826-1860* (New York: Printed for the New York Historical Society, 1943), p. 43.

FIGURE 3. A (left) **EVELINA MOUNT,** ***Mount House from the Rear,*** undated, oil on canvas, 14 ⅔ x 22 ¼ in. Long Island Museum, Stony Brook, NY; **B** (right) **WILLIAM SIDNEY MOUNT,** ***Mount House from the Rear,*** 1860, oil on canvas, 14 ¼ x 22 ⅛ in. Long Island Museum, Stony Brook, NY.

she was also a prolific copyist of both uncles' compositions, many of which are housed together with the originals in the Long Island Museum in Stony Brook **(FIGS. 3A & B).**

William Sidney Mount was supportive of his niece's efforts and would have been aware of her copies, some of which were executed during his lifetime. Surviving correspondence between them shows that Mount sometimes corrected Evelina's paintings and made suggestions for improvement. In one 1866 letter, Mount describes how he corrected her painting *Catching Butterflies,* "After touching up the figures, I thought to assist in perfecting the general arrangement here and there." Nor was this an isolated occasion: Evelina's sister, Elizabeth, wrote in a letter to Mount that Evelina needed his help with a floral sketch, adding, "If you will give it a few of your life-inspiring touches she will be very much obliged."[6]

After Mount died in 1868, the family held a public auction of his paintings. Minor works from the studio and paintings that did not sell were divided among the family.[7] Among those who stood to inherit were Henry Smith Mount's three surviving children, Evelina, Thomas and Elizabeth,[8] all of whom were unmarried and lived together in the Hawkins-Mount House **(FIG. 4).** When Evelina died in 1920, the house and its contents, which certainly included a large number of Evelina's paintings, at least one authentic painting by William Sidney Mount, and the IFAR *Sportsman at the Well*, passed to her grandnephew, Charles Archdeacon.[9] The family provenance of the IFAR *Sportsman,* therefore, does little to clarify the question of its attribution.

FIGURE 4. Undated photograph before 1900 showing Evelina, Elizabeth and Thomas Mount on the porch of the Hawkins-Mount House. (Long Island Museum of American Art, History and Carriages, Stony Brook, NY.)

Likewise, given the close artistic relationship among members of the Mount family, scientific sampling and examination of the pigments, which had been carried out prior to the painting's submission to

6 William Sidney Mount and Mount Family Papers, 1830-1947, *Archives of American Art, Smithsonian Institution.* W.S. Mount Correspondence, SM4, File 27, Undated Letter from Elizabeth Mount.

7 Frankenstein, p. 460.

8 Henry Smith Mount's daughter Julia Hawkins Mount, Charles Archdeacon's grandmother, died in 1855.

9 Long Island Museum Archives, Series XI: Hawkins-Mount House, Folder 4, Deed, Evelina Mount to Charles Q. Archdeacon, 1915.

IFAR, were not useful in establishing its authorship. Not only did almost all of the members of the Mount family continue to reside around Stony Brook, but Mount himself, a lifelong bachelor, lived in the Hawkins-Mount House along with Evelina and her family for several years, and his studio was converted for Evelina's use after his death.[10]

Mount also provided practical recommendations to his nieces and nephews on how to organize a palette, which pigments to use and even where to purchase artists' materials.[11] Moreover, he shared his idiosyncratic method of beveling and priming the backs of his wood panels with lead white paint to prevent cracking, and Evelina diligently followed his advice. On a trip to the Long Island Museum, we examined the versos of several panel paintings by Evelina, and in each case the panel was beveled and painted as Mount had recommended, and exactly as it appears in the IFAR *Sportsman at the Well.*

A QUESTION OF QUALITY

So it was that the decision as to whether the IFAR *Sportsman* was by William Sidney Mount came down to artistic quality and connoisseurship. IFAR enlisted the help of two eminent scholars of nineteenth-century American painting, who examined the painting together at IFAR. Later, one of the experts traveled with us to New Britain, Connecticut to examine the IFAR *Sportsman* juxtaposed with Mount's *At the Well* **(FIG. 5),** which has been in the museum's collection since 1946.

Comparing the paintings (both in person and in photographs) revealed numerous details that showed the IFAR *Sportsman* to be the work of an inferior painter. Whereas the New Britain painting is very effective in suggesting a body beneath the folds of the clothes, the formless, billowing trousers and shirt of the figure in the IFAR painting hide

"Could the IFAR *Sportsman,* like *At the Well,* be another finished study for a now-lost original, or was it … a copy by a lesser hand?"

the contours of his body. Moreover, his arm is out of scale and his shoulder misaligned, making him look hunchbacked. Conversely, while the IFAR sportsman's body is ill-defined, his *face* is too individualized and distinct to be by Mount, whose figures are more generic and generalized, so as to focus the viewer's attention on the activity in the scene.

Other than the face, however, the IFAR work is far less detailed and nuanced. Unlike the realistically moss-encrusted and water-damaged log in the New Britain *At the Well,* for example, the log in the IFAR *Sportsman* appears freshly cut, and even though the New Britain painting is only an oil sketch, Mount accurately replicated the effect of water running down the ramp by applying small white highlights down the entire length of the trough. By contrast, the flow of water in the trough in the IFAR painting is not apparent until it emerges at the end of the ramp.

FIGURE 5. IFAR ***Sportsman at the Well*** (left) and ***At the Well*** (right) viewed side by side at the New Britain Museum of American Art.

Similarly, the spontaneous handling and confident brushwork evident in *At the Well* is lacking in the IFAR painting, whose tentative and tight execution — seen in the straight, carefully delineated pathway

10 Edward P. Buffet, *William Sidney Mount, a Biography; the Story of Old-time Life in Brookhaven North, Told through his Pictures* (New York, 1927), p. 51.

11 Mount's letter to Samuel Seabury (October 13, 1862) is reproduced in Hermann W. Williams, Jr., "Some Observations on Painting by William Sidney Mount," *Technical Studies in the Field of Fine Arts,* Vol. 10, no. 1 (July 1941), pp. 33-36.

and in the clearly defined hill rising behind the figure in the middle distance — is typical of someone making an exact copy of an existing composition. In Mount's *At the Well,* on the other hand, these areas fade into each other, their contours atmospherically dissolving in the sunlight. The IFAR painting's literalness extends to the signature. In *At the Well,* the inscription curves around the barrel staves, whereas the letters on the barrel in the IFAR *Sportsman* appear flat, suggesting a careful replication of the placement of each letter in Mount's original. This, the experts agreed, is the hallmark of a copyist.

Whether that copyist was Evelina Mount, however, remains an open question. While some stylistic correspondences exist between her known paintings and the IFAR *Sportsman,* namely its orange-hued palette, murky-looking foliage and amateurish figuration, for now at least, too little is known of Evelina's work for IFAR to ascribe the *Sportsman at the Well* to her hand.

• • •

IFAR ART AUTHENTICATION RESEARCH SERVICE

For more than forty-eight years, IFAR has offered a unique Art Authentication Research Service, which works to resolve questions concerning the attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Council and a worldwide network of scholars, IFAR is free to render objective opinions unaffected by the marketplace.

IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner's consent. We are only able to accept a limited number of projects each year. As an educational organization, IFAR reserves the right to publish the results of its research.

For additional information, please call (212) 391-6234
or go to www.ifar.org.

An invaluable resource for the art world

Art Law & Cultural Property Database

This comprehensive online research tool, developed and continually updated by a nonprofit organization known for scholarship and integrity, is designed to help you navigate the legal landscape relating to the acquisition, authenticity, export, and ownership of art and other cultural objects. The Art Law & Cultural Property Database is widely used by academics, students, attorneys, law enforcement officials, museum administrators, gallerists, journalists, and others involved in the study, collecting, sale, exhibiting, insuring, and authentication of art and cultural objects.

The IFAR Art Law & Cultural Property Database gathers in one place:

- **International cultural property legislation from more than 120 countries.**
- **Summaries of U.S. and other case law** regarding World War II-related art loss; disputes over antiquities; art theft; ownership disputes; fraud, forgery, attribution, and authenticity; valuation; and copyright and moral rights
- **International conventions and bilateral agreements.**
- A **glossary** of legal terms; a section on **U.S. statutes**; **images of artworks** cited in the legal cases; **cultural property contact information** for government officials worldwide; and useful **links** to other resources.
- **Current standards and guidelines** for museums, dealers, archaeologists, and other arts professionals and organizations.

"An unmatched digital resource for students, attorneys, art professionals, and others . . . . An essential tool for anyone doing serious work in cultural heritage law and policy." — John H. Merryman, Late Sweitzer Professor of Law and Affiliated Professor of Art, Emeritus, Stanford University

Subscribe today!

For more information, see **www.ifar.org** and click on "Art Law & Cultural Property" or contact **sales@ifar.org**.

International Foundation for Art Research (IFAR)
500 Fifth Avenue • Suite 935 • New York, NY 10110
Tel: (212) 391-6234 • Fax: (212) 391-8794

THANK YOU

IFAR gratefully acknowledges the following contributors of $250 or above who helped support its activities in 2017.

$50,000 & ABOVE

The David Berg Foundation, Inc.
Charina Endowment Fund
Helen Frankenthaler Foundation

$30,000 AND ABOVE

Anonymous Donor
International Music & Art Foundation
National Endowment for the Arts

$25,000 & ABOVE

The Florence Gould Foundation
Anna-Maria and Stephen Kellen Foundation

$20,000 & ABOVE

The Gladys Krieble Delmas Foundation

$10,000 & ABOVE

The Willem de Kooning Foundation
The Marc Haas Foundation
Hazen Polsky Foundation
Mrs. Walter C. Klein
The Liman Foundation
Scott Lynn
The Pollock-Krasner Foundation
Jeannette & Jonathan Rosen
Anthony Williams

$7,500 AND ABOVE

Gertrude Wilmers

$5,000 & ABOVE

John R. Cahill
Georgia & Michael de Havenon
Dr. Lee MacCormick Edwards Charitable Foundation
Frederick & Diana Elghanayan Family Foundation
Leon Levy Foundation
Dorothy Lichtenstein
Steven P. Schwartz
Sotheby's
Gallery Vallois America, LLC

$2,500 & ABOVE

Anonymous Donors
AXA Art Americas Corporation
Michael Bakwin
Christie's
The Gramercy Park Foundation Inc.
David L. Klein, Jr. Foundation
Roy Lichtenstein Foundation
Richard & Ronay Menschel
Aaron M. Milrad
Achim Moeller / Moeller Fine Art
Errol M. Rudman
The Stebbins Fund
Dorit Straus
Wildenstein & Co., Inc.

$1,000 & ABOVE

Anonymous Donors
Josef and Anni Albers Foundation
Alsdorf Foundation
American Chai Trust
Art Agency, Partners
Milton & Sally Avery Arts Foundation, Inc.
Alfred Bader & Isabel Bader
J. N. Bartfield Art Galleries, Inc.
Dedalus Foundation, Inc.
Ellen Epstein
Nancy Escher
Giuseppe Eskenazi
Theodore H. Feder
Felicia Fund Inc.
Arthur J. Gallagher and Co.
Dana M. Garvey
Richard & Mary L. Gray
Guggenheim, Asher Associates Inc.
Keith Haring Foundation
Heritage Auctions
Heritage Branch, Canadian Heritage
Herrick, Feinstein LLP
Hobby Lobby
The David Hockney Foundation, Inc.
JS Charitable Trust
Nancy Karrels
The Kislak Family Foundation, Inc.
James J. Lally
Ralph Lerner & Judith Bresler
Frank & Sharon Lorenzo
Galerie Malingue
Bella Meyer
Hanno D. Mott
David J. Nash
Jonathan Novak
Jean O'Brien
Robert S. Rich
Robert Rogal / Ro Gallery.com
Elaine L. Rosenberg
St. Louis Art Museum
Steven R. Schindler
Gregg Seibert
Kurt Siehr
Robert B. Simon
Peter R. Stern
Strong Foundation of New York
Kevin Sullivan
Adele R. Ward
Tanya Sridaromont Wells
David B. Wood
Frances Zeman

THANK YOU

IFAR gratefully acknowledges the following contributors of $250 or above who helped support its activities in 2017.

$500 & ABOVE

Anonymous Donor
Frances F. L. Beatty
William L. Bernhard
Crown International Travel Inc.
Hester Diamond
Flather & Perkins, Inc.
Christopher Forbes
Brandon Fradd
Sam Francis Foundation
Galerie St. Etienne
William A. Glaser & Gilberte Vasintejan Glaser
The Barnett Newman Foundation
O'Toole-Ewald Art Associates, Inc.
James H. Ottaway, Jr.
Joanne Payson
Personal Property Committee, ASA
Rehs Galleries Inc., N.Y.C.
David Rowland
Michael A. Rubenstein
Samuel and Elizabeth Sachs Fund
Susanne P. Sack
E. Randol Schoenberg & Pamela Schoenberg
Nancy Schwartz
Laurence Shopmaker
Carl & Marilynn Thoma Art Foundation
Spencer Throckmorton

$250 & ABOVE

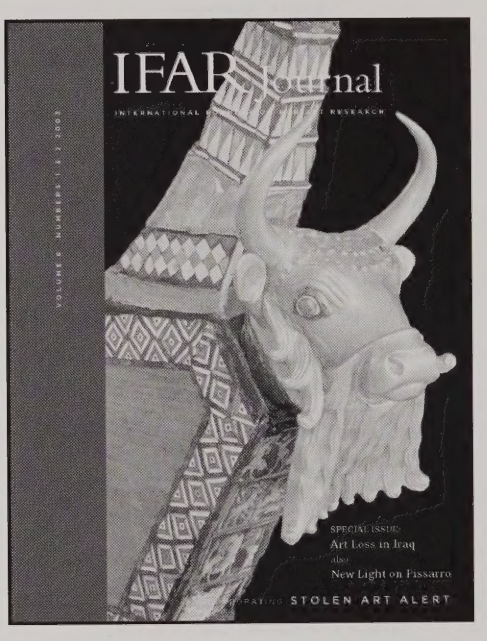
Rachel Adler
Courtney Ahlstrom
Alfonso Barros
Catherine & Robert Brawer
David S. Brown
Diana G. Browne
Deborah L. Browning
Ellen & Harold Bruck
Rupert Burgess
Bonnie Burnham
Sharon Campbell
Dean Chapman
Julia Courtney
Jacqueline Crist
Virginia M. Curry
Arnold J. Davis
Dorothy Davis
Day & Meyer, Murray & Young Corp.
J. Lee Drexler
Jerome M. Eisenberg
David C. Eldridge
Franklin Feldman
Helaine Fendelman
Linda S. Ferber
Joyce Flescher
Debra Force Fine Art, Inc.
Kelly Mohs Gage
Joy L. Glass
James Goodman Gallery, Inc.
Lewis I. Haber & Carmen Dubroc
Susan L. Halper
Lon Hamaekers
Hammer Galleries LLC
Mr. & Mrs. Jack Hartog
Frederick Hill
Jeffrey Hoffeld
Richard M. Horwood
Sharon Coplan Hurowitz
Helen I. Jessup
Stacy Kammert
Donald Kaul
Thomas R. Kline
Kraushaar Galleries
Wendy Lindstrom
H. Christopher Luce
Sherry & Joel Mallin
Harry S. Martin III
The Honorable J. William Middendorf II
James A. R. Nafziger
A. Ralph Navaro, Jr.
Rochelle Ohrstrom
Brian & Kimberly Orcutt
Wendy Ormond
Pearlstein McCullough & Lederman LLP
Lynn Stowell Pearson
Patricia A. Ross
Linda R. Safran
Joan Schiele
John Sexton
Jacqueline Silverman & Associates Inc.
Lawrence R. Stack, Stack's Antiquities LLC
Robert M. Steiner
Charles F. Stuckey
Swiss Institute for Art Research (SIK-ISEA)
Carol Forman Tabler
Ronald & Adele Tauber Foundation
Carolee Thea
Anne Truitt LLC
Frederic J. Truslow
Stephen Urice
Judith Vance
Christine Vincent
The Westervelt Company
Michele A. Wijegoonaratna
Jarvis Wilcox
Anne B. Zill
Fundación Zúñiga Laborde A.C.

IN-KIND & OTHER

Art & Museum Magazine
Dentons US LLP
Celeste Dufournier

Know IFAR Better

Collectors, dealers, museums, government agencies and the general public rely upon **IFAR**, an educational and research organization dedicated to integrity in the visual arts.



- Research
- Publications
- Authentication
- Educational Programs
- Membership

We invite you to join IFAR — to become part of our international community, and to take advantage of our many programs. To learn more, visit us online at **www.ifar.org.**

IFAR

International Foundation for Art Research
500 Fifth Avenue, Suite 935, New York, NY 10110
212 391 6234, www.ifar.org

The Stolen Art Alert®, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

Stolen Art Alert® is the registered trademark of the International Foundation for Art Research, Inc.

STOLEN ART

PAINTINGS

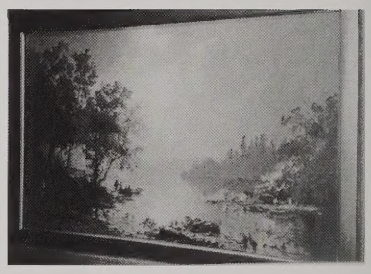
The following six paintings were stolen from a storage facility in Brooklyn, NY in 2017. *L18.236:

173. **THOMAS COLE** (English/American, 1801-1848). ***Study for The Course of Empire: The Arcadian or Pastoral State,*** 1832. See color photo on inside back cover.

174. **THOMAS COLE**. (English/American, 1801-1848). ***Study for The Voyage of Life: Manhood,*** c. 1839-40. Oil and graphite on panel. 27.94 x 43.18 cm (11 ¼" x 17 ⅛").

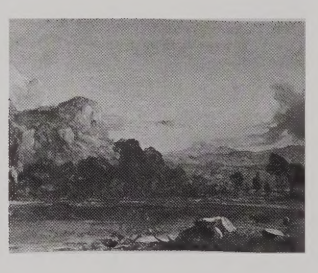
174

175. **JASPER FRANCIS CROPSEY** (American, 1823-1900). ***Lake Wawayanda,*** 1875. Oil on canvas. 30.48 x 50.8 cm (12" x 20").



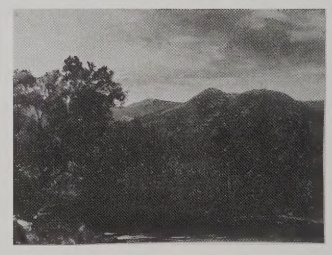
175

176. **DAVID JOHNSON** (1827-1908). ***Landscape,*** 1859. One of a pair. Oil on paper on board. 10.16 x 15.24 cm (4" x 6"). The label on the verso reads: Rita and Daniel Fraad Collection.



176

177. **DAVID JOHNSON**. ***Landscape,*** 1859. One of a pair. Oil on paper on board. 10.16 x 15.24 cm (4" x 6"). The label on the verso reads: Rita and Daniel Fraad Collection.



177

178. **THOMAS MORAN** (American, 1837-1926). ***Grand Canyon,*** 1916. See color photo on inside back cover.

The following two paintings by **BOB BYERLEY** (American, born 1941) were stolen in transit in Lafayette, LA on November 14, 2017. *L17.2017:

179. ***Hot Dog Roast,*** 1990. Oil on canvas. 45.72 x 60.96 cm (18" x 24").

179

180. ***Into the Woods,*** 1990. Oil on canvas. 45.72 x 860.96 cm (18" x 24").

180

---

* Numbering for the Vol. 18 Cumulative Index of Stolen Art began with Vol. 18, no. 1.

182

181

The following two paintings were stolen in Mallorca, Spain on September 24, 2017 *L17.1574:

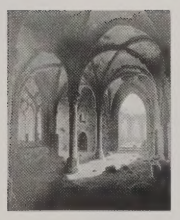
181. **BILLY CHILDISH** (English, born 1959). ***With Scout,*** 2010. Oil and charcoal on canvas. 152.5 x 91.49 cm (approx. 60" x 36").

182. **HERBERT VOLKMANN** (German, 1954-2014). ***Desaster Dance in Snake Paradise (Peter Doherty and Amy Winehouse),*** 2014. Oil on canvas. 100 x 80 cm (approx. 39 1.2" x 31 ⅕").

183

The following three paintings were stolen in Kiel, Germany on March 6, 2017. *L17.793:

183. **THOMAS DESSOULAVY** (English, 1801-1869). ***The Gulf of Naples seen from the Tomb of Virgil,*** 1841. Oil on canvas. 41 x 61 cm (approx. 16 ⅛" x 24"). Interpol ref. no. 2017/162386-1.3.



184

184. **CARL HASENPFLUG** (German, 1802-1858). ***View through a Cloister to the Ruin of a Gothic Church,*** 1839. Oil on canvas. 62 x 52 cm (approx. 2' x 1'9"). Signed/dated l/l. Inscribed on the stretcher: Monastery Hall at Mondschein. Interpol ref. no. 2017/162386-1.3.

185

185. **KARL FRIEDRICH LESSING** (German, 1808-1880). ***Kaiser Friedrich Barbarossa,*** 1839. Oil on canvas. 30.99 x 14 cm (approx. 12 ¼" x 5 ½"). Signed/dated l/l: c.F.L. 1839. Interpol ref. no. 2017/162386-1.13.

186

The following two paintings attributed to **ANTHONY VAN DYCK** (Flemish, 1599-1641) were stolen in Madrid, Spain in June 2015. *L17.263:

186. ***Ana Sofia, Condesa de Carnarvon.*** Oil on canvas. 103 x 103 cm (approx. 40 ½" x 40 ½"). Interpol ref. no. 2015/67078-1.1

187

187. ***Estudio de Cabeza/Dama Italiana.*** Oil on canvas. 48.49 x 37.9 cm (approx. 19" x 14 ½"). Interpol ref. no. 2015/67078-1.2.

STOLEN ART

The following two paintings were stolen in Geneva, Switzerland on September 18, 2017. *L17.1942:

188. **CHARLES GIRON** (Swiss, 1850-1914). ***The Cradle of Confederation,*** 1903. Oil painting. 157 x 277.01 cm (approx. 61.81" x 109.06").

188

189. **JOHANN JACOB VOLLENWEIDER** (German, 1838-1891). ***Mountainscape.*** Oil on canvas.

189

The following two paintings by **GOTTFRIED LINDAUER** (Bohemian/Kiwi, 1839-1926) were stolen from a gallery in Auckland, New Zealand on April 1, 2017. *L17.412:

190. ***Chieftainess Ngatai-Raure,*** 1884. Oil on canvas. Interpol ref. no. 2017/130614-1.1.

190

191. ***Chief Ngatai-Raure,*** 1884. Oil on canvas. Interpol ref. no. 2017/130614-1.2.

191

The following three paintings by **EMMA FORDYCE MACRAE** (American, 1887-1974) were stolen from a warehouse in Greenwich, CT on October 16, 2016. *L17.1750:

192. ***Central Park Bridge.*** Oil on board. 45.72 x 55.88cm (18:" x 22"). Signed l/r. Inv. no. 328.

192

193. ***Daffodils in Indian Pot.*** Oil on board (?). 38.1 x 27.94 cm (15" x 11"). Inv. no. 228.

193

194. ***Safe Harbor.*** Oil on board. 53.34 x 71.12 cm (approx. 21" x 28"). Inv. no. 427. Framed by House of Heydenryk.

194

The following two paintings by **ROY NACHUM** (Israeli, born 1979) were stolen from storage in New York, NY on January 1, 2006. *L17.1904:

195. ***Untitled,*** 2004. Oil on canvas. 214.63 x 294.94 cm (approx. 84 ½" x 116 ⅛"). Composed of painted tactile squares on canvas.

195

196. ***Untitled,*** 2004. Oil on canvas. Width: 396.24 cm (156"). Composed of painted tactile squares on canvas.

196

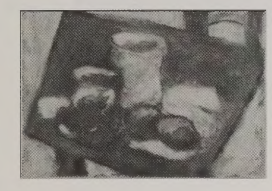
197

198

199

200

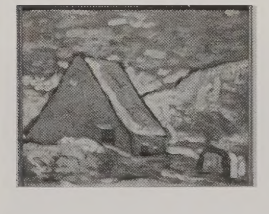
201



202

203

204



206

207

The following six paintings by **SANDRO NEGRI** (Italian, 1940-2012) were stolen in Amsterdam, The Netherlands on May 10, 2012. *L18.208:

197. ***Colli Senesi,*** 2000. Oil painting. 91.44 x 121.92 cm (approx. 36" x 48 ⅛").

198. ***Contindino,*** 1970. Oil painting. 40.64 x 50.8 cm (16" x 20").

199. ***Il Cortile,*** 1970. Oil painting. 45.72 x 23.5 cm (18" x 19 ¼"). Signed bottom center.

200. ***Nella Stalla,*** 1970. Oil painting. 50.8 x 69.85 cm (20" x 27.5").

201. ***Ricordo Sicilani,*** 1970. Oil painting. 49.53 x 33.02 cm (19 ½" x 13").

202. ***Sul Tavolo,*** 1970. Oil painting. 35.56 x 50.8 cm (14" x 20").

---

203. **ROSS BLECKNER** (American, born 1949). ***Untitled / RB-6930 2016,*** 2016. Oil on canvas. 10" x 8". Inscribed on the verso: RB-6930 2016 Ross Bleckner. *L17.1592. Stolen from a gallery in San Francisco on August 12, 2017.

204. **CHARLES A. BUCHEL** (English, 1872-1950). ***Floral Still Life,*** 1943. Oil on board. 89.99 x 70 cm (approx 35 ⅜" x 27 ½"). Signed and dated l/r. *L17.1974. Stolen from an auction house in Essex, England on February 26, 2014.

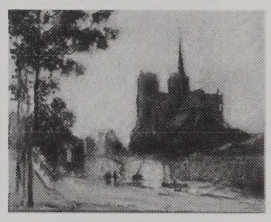
205. **GIORGIO DE CHIRICO** (Italian, 1888-1978). ***Composition with Self-Portrait,*** 1926. See color photo on inside back cover.

206. **MARC-AURÈLE FORTIN** (Canadian, 1888-1970). ***House in Winter.*** *L17.418. Stolen from a gallery in Montreal between May and October 2017. See item no. 238 below.

207. **UELI KÜHNI** (Swiss, born 1951). ***Snowy,*** 2013. Acrylic on canvas. 100 x 140 cm (approx. 39 ⅜" x 55 ⅛"). Signed and dated l/r. *L18.343. Stolen from a gallery in Bern, Switzerland on January 25, 2018.

STOLEN ART

208. **GUSTAVE LOISEAU** (French, 1865-1935). ***Notre Dame from the Banks of the Seine,*** 1911. Oil on canvas. 38.3 x 46.51 cm (approx. 15" x 18 ¼"). Signed l/l. *L18.98. Stolen from a private residence in Boston, MA on June 26, 2017.



208

209. **TERI MALO** (American, contemporary). ***Encore.*** Oil painting. 60.96 x 60.96 cm (24" x 24"). *L18.302. Stolen from a galley in Naples, FL on January 12, 2018.

209

210. **HOUSHANG PEZESHKNIA** (Iranian, 1918-1972). ***Untitled,*** c. 1960. 70 x 50 cm (approx. 27 ½" x 19 ¾"). *L17.1566. Stolen from the Mahe-Mehr Art & Cultural Institute in Tehran in September 2017.

210

211. **GERHARD RICHTER** (German, born 1932). ***Design for Reason,*** 1978. See color photo on inside back cover.

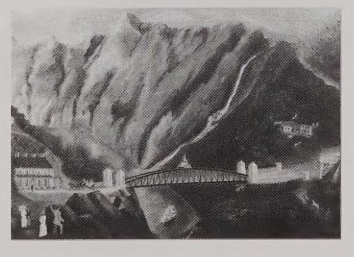
212. **GUSTAVE DE SMET** (Belgian, 1877-1943). ***Still Life with Apples,*** 1915. Oil on canvas. 64 x 53 cm (approx. 25 ¼" x 20 ¾"). Signed l/r. *L17.2096. Stolen in transit between Bocholt and Ostende, Belgium on May 3, 2017.

212

213. **CARL SPITZWEG** (German, 1808-1885). ***Children in Wooded Landscape.*** Oil on panel. 35 x 23 cm (approx. 13 3/4" x 9"). *L17.2133. Stolen in Weinheim, Germany on December 9, 2017.

213

214. **Unknown Artist** (English). ***Fantastical Landscape with Figures.*** Oil on canvas. 58.01 x 81.5 cm (approx. 22 ¾" x 32"). *L18.314. Stolen in transit between Birmingham, England and Vienna, Austria on September 21, 2017.



214

215. **Unknown Artist** (English, late 18th Century). ***Flying Witch.*** Oil painting. 80 x 55 cm (approx. 31 ½" x 21 ½"). *L17.1903. Stolen from a private residence in London, England on November 17, 2017.

215

MINIATURES

The following three miniature oval oil paintings by **RICHARD CROSSE** (English, 1742-1810) were stolen in Tiverton Devon, England in 2014. *L17.1765:

216. ***Male Portrait,*** c. 1700. Ht: 8 cm (approx. 3 ⅛").

217. ***Blonde Female Portrait.*** No dimensions given.

218. ***Brunette Female Portrait.*** Ht: 15.24 cm (6").

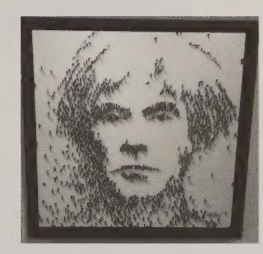
216

217

218

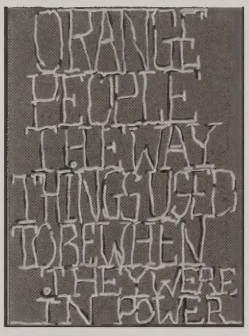
MIXED MEDIA

219. **CRAIG ALAN** (America, born 1971). ***Popular Figurative – Andy Warhol.*** Stencil painting on canvas, encased in resin. 91.44 x 91.44 cm (36" x 36"). *L17.1638. Stolen in transit in London, England on December 16, 2016. See also item no. 239 below.



219

220. **POPE L.** (American, born 1955). ***Orange People the Way they Used to Be When They Were in Power,*** 2012. Marker on chip board. Orange background. 30.51 x 22.5 cm (approx. 12" x 8 ¾"). *L17.1717. Stolen at Documenta, Kassel in Germany on September 18, 2017.



220

WORKS ON PAPER

The following nine works on paper by Russian avant-garde artists and others, all part of *The Golden Book of Maria Samoilova Zetlin*, comprised of 12 works on paper and numerous poems, were stolen in Paris, France on June 29, 2017. *L17.2:

221. **NATALIA GONCHAROVA** (Russian, 1881-1962). ***Composition Rayonniste,*** c. 1912-14. Watercolor on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed l/l. Interpol ref. no. 2017/196971-1.9.

221

222. **NATALIA GONCHAROVA.** ***Femme aux Lacets,*** 1914. India ink and watercolor on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed l/l. Interpol ref. no. 2017/196971-1.8.

222

223. **ELIZAVETA KUZMINA-KARAVAEVA** (Russian, 1891-1945). ***Femme Orientale ave Son Enfant.*** Gouache on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Interpol ref. no. 2017/196971-1.12.

223

STOLEN ART

224. **MIKHAIL LARIONOV** (Russian, 1881-1964). ***Composition Rayonniste,*** 1911. Watercolor on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed l/r. Interpol ref. no. 2017/196971-1.1.

225. **MIKHAIL LARIONOV.** ***Personnage,*** 1910. Gouache and collage on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed l/l. Interpol ref. no. 2017/196971-1.3.

226. **MIKHAIL LARIONOV.** ***Personnage,*** 1910. Collage on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed l/r. Interpol ref. no. 2017/196971-1.6.

227. **MIKHAIL LARIONOV.** ***The Red Rose,*** c. 1912-14. Watercolor on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Interpol ref no. 2017/196971-1.5.

228. **DIEGO RIVERA** (Mexican, 1886-1957). ***Portrait of Madame Zetlin,*** 1916. See color photo on inside back cover.

229. **DMITRY SEMENOVIC STELLETSKIJ** (Russian, 1875-1947). ***Ivan the Terrible,*** 1914. Pencil on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed at bottom. Interpol ref. no. 2017/196971-1.10.

The following four drawings were among 20 works by **RUDOLF KORTOKRAKS** (German, 1928-2014) that were stolen in Tuscania, Italy in October 2017 following an exhibition. *L17.1792:

230. ***Fish and Oysters,*** 1996. Oil pastel drawing. 49 x 67 cm (approx. 19 ¼" x 26 ¼"). Signed l/r.

231. ***Lucy,*** 2010. Oil pastel drawing. 38 x 55 cm (approx. 15" x 21 ½"). Signed l/r.

232. ***Maria Plain, Altar.*** Oil pastel. 78.5 x 49 cm (approx. 31" x 19 ¼").

233. ***Self Portrait,*** 1950. Pastel drawing. 56 x 45 cm (approx. 22" x 17 ¾").

224

225

226

227

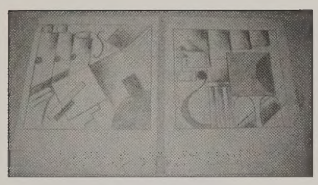
229

230

231

232

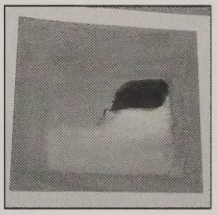
233



234a

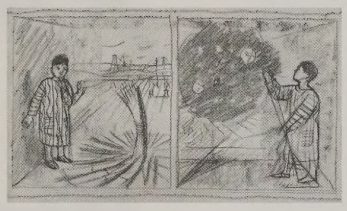
234b

234. A box of drawings (see photos at left), each one pencil on paper, measuring 21 x 16 cm (approx. 8 ¼" x 6 ¼") by various 20th-century Soviet Avant-Garde artists, including Zdanevich, Bogomazov, et al., was stolen from an auction house in Heilbronn, Germany on February 16, 2013. *L17.1679.



235

235. **EUGÈNE BRANDS** (Dutch, 1913-2008). ***Chinese Shoe, Ying-Yang,*** 1988. Gouache. 29.01 x 31.5 cm (approx. 11 ⅜" x 12 ⅜"). *L17.1869. Stolen from a private residence in Amsterdam, The Netherlands on October 15, 2017.



236

236. **EVELYN DUNBAR** (English, 1906-1960). ***An Early Study for Joseph's Dream,*** 1938. Diptych. Pencil, pen and ink, and blue chalk on paper. 10.49 x 15 cm (approx. 4 ⅛" x 6"). Ed. no. HMO (Hammer Mill Oast Collection) 122. *L17.1921. Stolen in Paddington, England on October 17, 2017.

237

237. **MAX PECHSTEIN** (German, 1881-1955). ***Beach Fisherman at the Rescue House,*** 1920. Gouache, watercolor and ink on cardboard. 73.9 x 50.5 cm (approx. 29 ⅛" x 19 ¾"). Signed l/r. *L17.1573. Stolen from a gallery in Düsseldoff, Germany on March 1, 2016. See also item no. 240 below.

238

238. **ALFRED PELLAN** (Canadian, 1906-1988). ***19 bis ave., Victor Hugo, Boulogne-sur-Seine,*** 1960. Oil and ink on cardboard. 21.27 x 18.41 cm (8 ⅜" x 7 ¼"). *L17.418. Stolen from a gallery in Montreal between May and October 2017. See item no. 206 above.

239

239. **MARIE VERMEULEN-BREEDT** (South Africa, born 1954). ***Girl in Water,*** 1988. Pencil and pastel on paper. 70 x 50 cm (approx. 27 ½" x 19 ¾"). *L17.1638. Stolen in transit in London, England on December 16, 2016. See also item no. 219 above.

STOLEN ART

PRINTS, LITHOGRAPHS, ETCHINGS

240. **MARC CHAGALL** (After) (Russian-French, 1887-1985). ***Fiancés in the Sky at Nice.*** From the series "Nice et la Côte d'Azur," 167. Color lithograph. 75.49 x 53.19 cm (approx. 29 ¾" x 21"). Signed l/r. Inscribed l/l: epreuve d'artiste. *L17.1573. Stolen from a gallery in Düsseldorf, Germany on March 1, 2016. See also item no. 237 above.

240

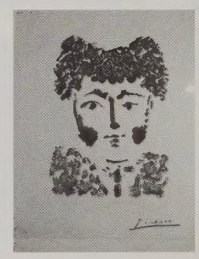
241. **DONALD JUDD** (American, 1928-1994). ***Untitled – Block II –R,*** c. 1961-69. Woodcut in cadmium red on cartridge paper. 77.5 x 55.91 cm (approx. 30 ½" x 22"). Ed. no. 6/10. marking: Nitsch ID #JUD-0090. *L17.1890. Stolen in transit between Basel, Switzerland and Frankfurt, Germany on July 21, 2017.

241

242. **EDVARD MUNCH** (Norwegian, 1863-1944). ***The Sick Child I,*** 1896. Lithograph. 42.11 x 57 cm (approx. 16 ½" x 22 ½"). Signed l/r. *L18.141. Stolen from a warehouse in Oslo, Norway on July 7, 2014.

242

243. **PABLO PICASSO** (Spanish, 1881-1973). ***Torero,*** 1949. Etching and aquatint. Printed in black ink on Japan nacre paper. 49.37 x 38.42 cm (approx. 19 ½" x 15 ⅛"). Signed l/r in green crayon. Numbered in pencil l/l: IX of XXX. Dated in the plate at l/r: 30.4.49. III. Ref: Bloch 1001, Bear 874/B.b., Cramer 126. *L18.415. Stolen from a fine art appraiser in Milwaukee, WI on February 16, 2018.



243

244. **ANDY WARHOL** (American, 1928-1987) ***Flowers II.73,*** 1970. Screenprint on paper. 91.44 x 91.44 cm (36" x 36"). Ed no. 124/250. Signed and numbered on verso. *L17.1817. Stolen in transit in Los Angeles, CA on August 26, 2017.

244

PHOTOGRAPHS

The following three photographs were among 17 by **THOMAS BRUMMETT** (American, contemporary) stolen from a gallery in Washington, DC on May 8, 1996. *L18.452:

245. ***Broken Magnolia,*** 1996. Silver gelatin print. 25.4 x 20.32 cm (10" x 8"). Ed. no. 1/1.

245

246. ***Paper Nautilus Diptych,*** 1996. Silver gelatin print. 25.4 x 20.32 cm (10" x 6"). Ed. no. 1/1.

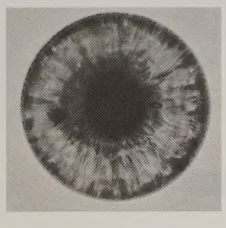
246

247. ***Skeleton,*** 1996. Silver gelatin print. 25.4 x 20.32 cm (10" x 8"). Ed. no. 2/25.

247

The following two photographs by **MARC QUINN** (English, born 1964) were stolen in Hatfield, England on August 2, 2017. *L17.1793:

248



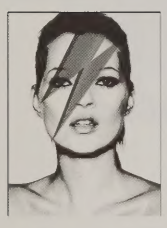
249

248. ***Stealth Kate,*** 2013. Digital print with diamond dust. 92.51 x 70.99 cm (approx. 36 36 ⅜" x 28"). Signed/numbered/titled on the recto. Ed. no. 15/75.

249. ***Thermosphere,*** 2017. Digital print with silkscreen glaze. 103.99 x 102.01 cm (approx. 41" x 40 ⅛"). Ed. no. 33/65. Signed on the recto; numbered on the verso.

250

250. **LYLE ASHTON HARRIS** (American, born 1965). ***The Watering Hole,*** 1996. Duraflex print on dibond. Ed. no. 6/6. With a sticker on the verso that's signed by the artist. One print was stolen from a 2014 ensemble of 9 prints. *L17.2141. Stolen in Brussels, Belgium on May 23, 2017. See also item 260 below.



251

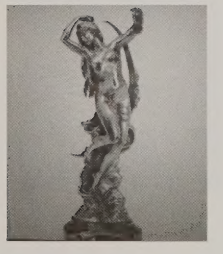
251. **NICK KNIGHT** (English, born 1958). ***Kate "Aladdin Sane,"*** for British Vogue 2003. Hand-coated archival pigment print, printed in 2013. 101.6 x 76.2 cm (40 x 30 in.). Ed. no. 1/10. Accompanied by a signed and numbered certificate of authenticity from Nick Knight Studios. *L17.1956. Stolen from a night club in Hong Kong between May 22, 2013 and November 12, 2014.

252

252. **ANOUK KRUITHOF** (Dutch, born 1981). ***Nature Parties,*** 2007. 121.92 x 182.88 cm (48" x 70"). *L17.1781. Stolen from a private residence in New York, NY on January 4, 2017.

SCULPTURE

The following three sculptures were stolen from a private residence in Tadworth, England on September 15, 2017. *L17.1648:



253

253. **CHARLES OCTAVE LEVY** (French, 1821-1899). ***Diana the Huntress*** (19th century). Bronze with a green patina. 50.8 x 20.32 x 15.24 cm (20" x 8" x 6").

254

254. **FREDERIC REMINGTON** (American, 1861-1909). ***The Bronco Buster,*** c. 1920. 58.42 x 25.4 cm (23" x 10").

255

255. **Unknown Artist**. ***Narcissus,*** c. 1920. Bronze. 60.96 x 20.32 x 20.32 cm (24" x 8" x 8").

The following two sculptures were among 20 by **ERTÉ** (Russian/French, 1892-1990) that were stolen from a business in Greenwich, CT on January 31, 2017. *L17.1879:

256. ***Fire Dancer,*** 1989. Bronze with gold leaf and a silver ?? chain. 59.69 x 26.67 x 16.51 cm (23 ½" x 10 ½" x 6 ½"). Ed . no. F271/375.

257. ***Spider Web,*** 1989. Bronze with gold leaf on a wooden base. 57.15 x 17.78 x 48.26 cm (22 ½" x 7" x 19"). Ed no. XLIX/L.

256

257

The following two sculptures by **ELISABETH FRINK** (English, 1930-1993) were stolen from the garden of a private residence in Marlow, England on October 24, 2017. *L17.1794:

258. ***Dog,*** 1980. 78.69 x 109.19 cm (approx. 31" x 43"). Ed. no. 1/6.

259. ***Leonardo Dog,*** 1990. 99.7 x 49.99 cm (approx. 39 ¼" x 19 ¾"). Ed. no. 1/6.

258

259

---

260. **PAUL MORRISON** (English, born 1966). ***Hyazinthe,*** 2013. Mirror-polished stainless steel. 119.99 x 43 cm (approx. 47 ¼" x 17"). Ed no. 3/3. *L17.2141. Stolen in Brussels, Belgium on May 23, 2017. See also item 250 above.

261. **Unknown Artist.** ***Diana,*** c. 1850. Bronze. 40.64 x 17.78 x 10.16 cm (16" x 7" x 4"). *L17.2008. Stolen from a private residence in Banbury, England on September 29, 2017.

262. **CONSTANCE WHITNEY WARREN** (American, 1888-1948). ***Texas Cowboy,*** c. 1924. Bronze. 46.99 x 48.26 x 17.78 cm (18 ½" x 19" x 7"). Stamped with Valsuani foundry seal. Possible barcode sticker on underside: P017003. *L17.1908. Stolen from a gallery in Santa Fe, NM between February 18, 2014 and March 2017.

260

261

262

MISSING ART

PAINTINGS

16

17

18

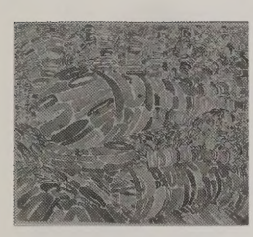
The following three paintings by **LUCIANO CASTELLI** (Swiss, born 1951) and **RAINER FETTING** (German, born 1949) were missing from a gallery in Berlin, Germany on January 1, 1985. *L13.62:

16. ***Duel,*** 1981. Resin on canvas. 210.01 x 270 cm (approx. 82 ¾" x 106").

17. ***Eye Shot,*** 1981. Resin on canvas. 201.01 x 270 cm (approx. 82 ¾" x 106").

18. ***Magic Mountain,*** 1981. Diptych. Resin on canvas. 289.99 x 400 cm (approx. 114 ⅛" x 157 ½").

WORKS ON PAPER



19

20

19. **TONY CRAGG** (English, born 1949). ***Untitled, 2010, number 4225.*** Watercolor on paper. 41.5 x 51 cm (approx. 16 ¼" x 20"). *L17.1551. Missing in transit between London, England and Hong Kong on September 26, 2017.

20. **JOHN WHORF** (American, 1903-1959). ***The Dark Bow.*** Watercolor on paper. 36.83 x 58.42 cm (14 ½" x 23"). *L17.1564. Missing in transit between Boston, MA and Palm Beach, FL on October 1, 2003.

RECOVERED ART

PAINTINGS

16

17

19

16. **BENJAMIN G. BENNO** (American, 1901-1980). ***Untitled.*** Oil on canvas. 50.6 x 64.77 cm (approx. 19 ¾" x 25 ½"). Signed and dated u/l. *L11.253. Stolen from a New York gallery on November 21, 2005. Recovered with the help of the ALR in November 2017.

17. **MARC CHAGALL** (French, 1887-1985). ***Othello and Desdemona,*** 1911. Oil on canvas. 40.6 x 33.0 cm (approx. 16" x 13"). *89.80.1. Stolen from a private residence in New York, NY on August 1, 1988 along with numerous other works of art, including 13 other paintings, which are still missing. (See *IFARreports,* Vol. 10, nos. 3&4, p. 11, no. 231.) Recovered in April 2018 by the FBI's Art Crime Team with the help of a gallery in Washington, DC and Art Recovery International.

18. **EDGAR DEGAS** (French, 1834-1917). ***The Chorus,*** 1876-77. See color photo on inside back cover.

19. **JUSTUS VERWER** (Dutch, 1625-1689). ***Vieuw on Pont Rammekens New Middelburg,*** 1660. Oil on panel, 28.02 x 48.11 cm (approx. 11" x 19"). *L14.1229. Missing from the TEFAF Art Fair Maastrich, The Netherlands on October 20, 2014. (See *IFAR Journal,* Vol. 16, nos. 1&2, Missing item no. 4.) Recovered in March 2016.

---

* Numbering for the Vol. 18 Cumulative Indices of Missing Art and Recovered Art began with Vol. 18, no. 1.

RECOVERED ART

ANTIQUITIES

The following 24 antiquities were among approx. 300 artifacts from the Viking Period, Migration Period, and Roman Period stolen from the University Museum of Bergen in Norway on August 12, 2017. (See *IFAR Journal*, Vol. 18, nos. 2&3, p. 67, item nos. 149-172.) In October 2017, one of the thieves confessed his crime to the police, who also arrested three additional people in relation to the theft. The police subsequently recovered approximately 200 of the stolen artifacts, including all the items published below:

20. **B419** ***Trefoil Brooches*** (Øksendal, Vanksdal, Hordaland).

21. **B424** ***Pair of Thin Brooches*** (Hovden, Bø, Nordland).

22. **B431** ***Brooch*** (Lyso, Stryn, Sogn og Fjordane).

23. **B481** ***Armring*** (Herabakka, Suldal, Rogaland).

24. **B492** ***Fitting*** (Scim, Odda, Hordaland).

25. **B670** ***Cup*** (Vangen, Aurland, Sogn og Fjordane).

26. **B3456** ***Trefoil Brooch*** (Kvåle, Sogndal, Sogn og Fjordane).

27. **B4233** ***Fitting*** (Gausel, Stavanger, Rogaland).

28. **B4505** ***Key*** (Mindresunde, Stryn, Sogn og Fjordane).

29. **B4752** ***Fitting*** (Folva, Stryn, Sogn og Fjordane).

30. **B4860** ***Key*** (Ardalstange, Ardal, Sogn og Fjordane).

31. **B6360** ***Key*** (Mo, Ørsta, Møre og Romsdal).

32. **B6371** ***Buckle*** (Ytterdal, Norddal, Møre og Romsdal).

33. **B7662** ***Armring*** (Kaldherm, Etne, Hordaland).

34. **B8256** ***Fitting*** (Bjørke, Ørsta, Møre og Romsdal).

35. **B8310** ***Pair of Armrings*** (Bakko, Odda, Hordaland).

36. **B8388** ***Buckle*** (Sande, Høyanger, Sogn og Fjordane).

37. **B8436** ***Ring Buckle*** (Brekke, Høyanger, Sogn og Fjordane).

38. **B8669** ***Fitting*** (Torvam, Aurland, Sogn og Fjordane).

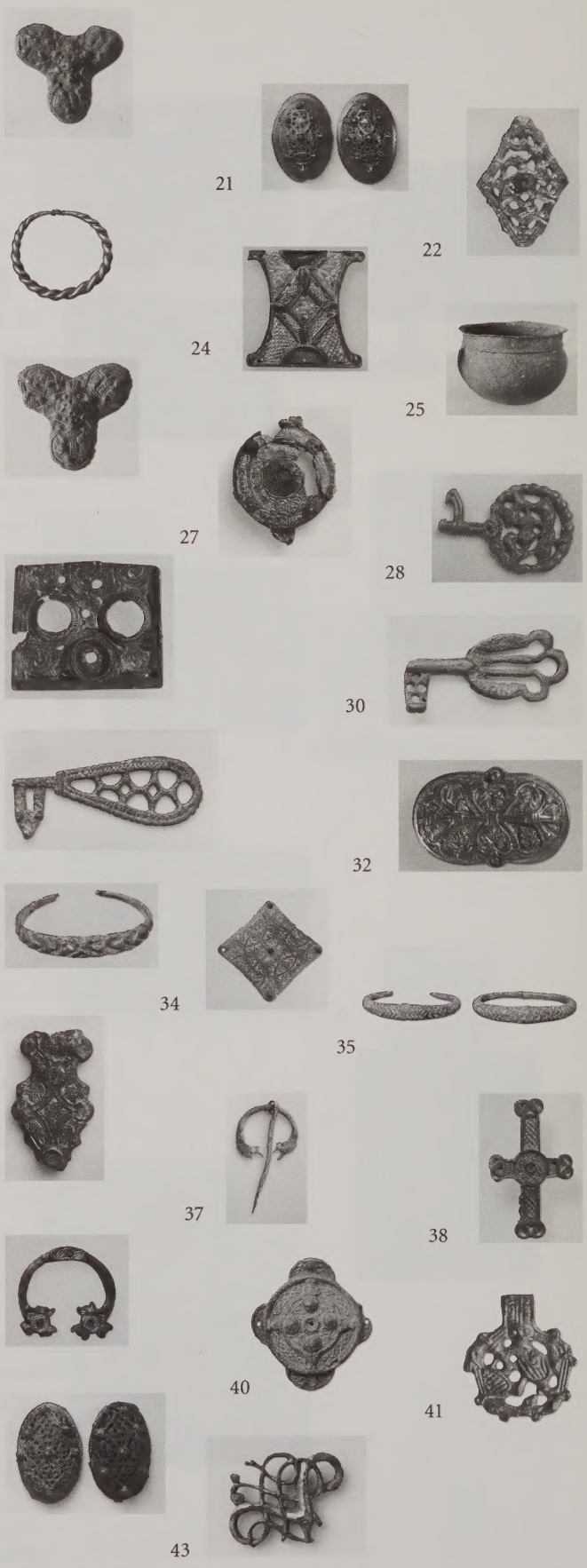
39. **B9065** ***Fitting*** (Nes, Sogndal, Sogn og Fjordane).

40. **B10243** ***Fitting*** (Hantveit, Gulen, Sogn og Fjordane).

41. **B11701A** ***Pendant*** (Ytre Moa, Årdal, Sogn og Fjordane).

42. **B12045** ***Pair of Thin Brooches*** (Hauge Stranda, Møre og Romsdal).

43. **B17420.1** ***Buckle*** (Eide, Gloppen, Sogn og Fjordane).



VOLUME 18 CUMULATIVE INDEX OF STOLEN ART

Published in Vol. 18, nos. 1-4 (2017/2018)

A

Adam. E. 99
Alan, C. 219
Alexander, D. 26, 27
Antiquities 85-89; 149-172
Asian Art 83, 84

B

Barclay, J. M. 1.
Bleckner, R. 203
Bogossian, J. 138
Bonito, G. 100
Books, Manuscripts 143, 144
Brandl, H. 3
Brands, E. 235
Braun, M. 44
Brown, D.P. 28
Brummett, T. 245-247
Buchel, C.A. 204
Byerley, B. 179, 180

C

Chagall, M. (after) 240
Canaletto, Studio of 10
Chemiakin, M. 58-60
Childish, B. 181
Chirico, G. de 11; 205
Choe, D. 45
Cole, T. 173, 174
Cortès, E. L. 101
Crook, P. J. 4
Cropsey, J.F. 175
Crosse, R. 216-218

D

Decorative Arts 145-148
Degouve de Nuncques, W. 12
Dessoulavy, T. 183
Dubufe, E. 102
Dunbar, E. 236
Dyck, A. van 186, 187

E

Egyptian Antiquities 90
Elphick, W. 75
Erbe, G. T. 17-19
Erté 256, 257

F

Fernandez, A. 76
Fnnch 103
Fortin, M-A. 206
Frink, E. 258, 259

G

Gassel, L. van 14
Giron, C. 188
Goncharova, N. 221, 222
Grutzke, J. 104
Guerra, M. 145

H

Harris, L. A. 250
Hasenpflug, C. 184
Hawkins, P.D. 20, 21
Hayden, P.C. 22, 23; 55
High, G. 131-133
Hirst, D. 129
Hjort, B. 42; 61, 62
Holder, B. 105
Holohan, M. 114
Hunter, P. 5

J

Jackson, H. A. 139
Johnson, D. 176, 177
Judd, D. 241

K

Katz, A. 6
Kavli, A. T. 106
Kentridge, W. 107
Khadda, M. 95
Knight, N. 251
Kortokraks, R. 230-233
Kruithof, A. 252
Kühni, U. 207
Kuzmina-Karavaeva, E. 223

L

Lakeman, O. 29
Landy, M. 56
Larionov, M. 224-227
Leempoels, J. 15
Lemmerz, C. 140
Leonardo da Vinci, L. 57
Lessing, K. F. 185
Levy, C. O. 253
Lindauer, G. 190, 191
Loiseau, G. 208
Lovell, M. 141

M

MacPhee, M. 30, 31
MacRae, E. F. 192-194
Malo, T. 209
Maravell, N. 32
Meléndez, M. J. 108
Miniatures 43; 216-218
Miotte, J. 7
Mitchell, T. L. 109
Mittnacht, J. III 148
Mixed Media 44-54; 114, 115; 219, 220
Moran, T. 178
Morrison, P. 260
Munch, E. 242
Munro, J. 33; 46

N

Nachum, R. 195, 196
Negri, S. 197-202

O

Orr, E. 115
Os, P. F. van 8
Oudot, R. 116

P

Paintings 1-42; 92-113; 173-218
Pascin, J. 117
Pearlstein, P. 92
Pechstein, M. 237
Pellan, A. 238
Pen, I. 130
Pezeshknia, H. 210
Photographs 74; 130; 245-252
Picasso, P. 120, 128; 243
Plasket, J.F. 35, 36
Pope L. 220
Portocarrero, R. 24, 25
Pre-Columbian Antiquities 91
Prints, Lithographs, Etchings 65-73; 120-129; 240-247

Q
Quinn, M. 248, 249

R
Rembrandt 67-72
Rembrandt (School of) 73
Remington, F. 254
Renoir, P. A. 110, 118
Reusse, S. 74
Richter, G. 211
Rithaug, A. 96
Rivera, D. 228

S
Salvadori, G. 63, 64
Samokhvalov, A. N. 111
Schuetter, M. 119
Sculpture 75-82; 131-142; 253-262
Sheets, M. 112
Silver 145-147
Smet, G. de 212
Sokov, L. 134-137
Spitzweg, C. 213
Stanley, R. 93
Stelletskij, D. S. 229
Stevens, A. G. 16

V
Vecchia, P. della 13
Vermeulen-Breedt, M. 239
Villeglé, J. Mahé de la 47-54; 77
Volkmann, H. 182
Vollenweider, J. J. 189

W
Warhol, A. 65; 244
Warren, C. W. 262
Wegman, W. 94
Weinrib, J. 9
Works on Paper 55-64; 221-239
Wozniakowska, K. 39-41
Wu, T.-C. 37, 38

Z
Zevs 66
Zhang, B. 2

VOLUME 18 CUMULATIVE INDEX OF MISSING ART

Published in Vol. 18, nos. 1-4 (2017/2018)

B
Bellmer, H. 12, 13

C
Castelli, L. 16-18
Clark, O. 4
Combas, R. 1, 2
Cragg, T. 19
Cranach, L. the Younger 6
Cretey, P.-L. 8

F
Fetting, R. 16-18

G
Guiette, R. 14

H
Heathcote, P. 9

K
Kent, D. 3
Krodel, W. I 7

L
Lowe, F. 10

M
Mixed Media 3; 15

P
Paintings 1, 2; 4-11; 16-18

S
Spiller, D. 15

W
Whorf, J. 20
Works on Paper 12-14; 19, 20
Wright, G. 5

VOLUME 18 CUMULATIVE INDEX OF RECOVERED ART

Published in Vol. 18, nos. 1-4 (2017/2018)

A
Antiquities 20-43
Armstrong of Kinsale, R. 6

B
Bacon, F. 7-9
Benno, B. G. 16
Buhot, F. 10

C
Chagall, M. 17
Conor, W 3

D
Degas, E. 18
Desboutin, M. 12

F
Frishmuth, H. W. 4

J
Jean, P. 13

K
Kooning, W. de 11

M
Matisse, H. 15
Miscellaneous 19

P
Paintings 1, 2; 7-14; 16-19

R
Rockwell, N. 2

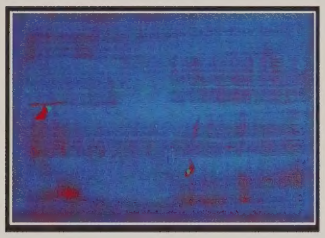
S
Sculpture 4, 5; 15
Senior, M. 14
Silver 6

V
Verwer, J. 19
Vlieger, S. de 1

W
Works on Paper 3

173

178



211

205

228

18

STOLEN ART

Paintings

The following two paintings were among six paintings stolen from a storage facility in Brooklyn, NY in 2017. *L18.236. See also item nos. 174-177 inside:

173. **THOMAS COLE** (English/American, 1801-1848). ***Study for The Course of Empire: The Arcadian or Pastoral State,*** 1832. Graphite and oil on paper, mounted on canvas. 15.24 x 25.4 cm (6 ⅜" x 10 5/16").

178. **THOMAS MORAN** (American, 1837-1926). ***Grand Canyon,*** 1916. Oil on canvas. 31.24 x 25.91 cm (12 ¼" x 10").

---

205. **GIORGIO DE CHIRICO** (Italian, 1888-1978). ***Composition with Self-Portrait,*** 1926. Oil on canvas. 90.5 x 60.2 cm (approx. 35 ½" x 23 ¾"). *L17.1936. Interpol ref no. 2017/282440-1.1. Stolen from the Béziers Museum of Art, Béziers, France on November 16, 2017 when thieves cut the canvas from its frame at the Hôtel Fabrégat, which houses some of the museum's collection. The painting is part of the collection of Jean Moulin, the French Resistance hero.

211. **GERHARD RICHTER** (German, born 1932). ***Design for Reason,*** 1978. Oil an 27 ½" x 39 ⅜"). *L18.431. Stolen from a warehouse in Berlin, Germany in February 2018.

Works On Paper

228. **DIEGO RIVERA** (Mexican, 1886-1957). ***Portrait of Madame Zetlin,*** 1916. Gouache on paper. 16 x 13 cm (approx. 6 ¼" x 5 ⅛"). Signed u/l. *L.17.2. Interpol ref. no. 2017/196971-1.7. Stolen in Paris, France on June 29, 2017. See item nos. 221-227, 229 inside.

RECOVERED ART

Paintings

18. **EDGAR DEGAS** (French, 1834-1917). ***The Chorus,*** 1876-77. Monotype pastel. 27 x 32 cm (approx. 10 ½" x 12 ½"). Signed l/l. *L10.003. Interpol no. 2010/122-1.1. Stolen from an exhibition at the Cantini Museum in Marseille, France on December 30-31, 2009 while on loan from the Musée d'Orsay in Paris. (See *IFAR Journal,* Vol. 11, nos. 3&4, no. 61, inside back cover.) Recovered on a bus at a highway stop in Ferrières-en-Brie, east of Paris, during a random search by police on February 23, 2018.

INVITATION TO JOIN AND SUPPORT IFAR

(IFAR IS A 501 (C) (3) NOT-FOR-PROFIT ORGANIZATION)

SUBSCRIPTION INFORMATION

SUBSCRIBER $75 (PLUS $25.00 MAILING OUTSIDE U.S.)
One-year subscription to *IFAR Journal*, notice of events.

ASSOCIATE $100 (PLUS $25.00 MAILING OUTSIDE U.S.)
One-year subscription to *IFAR Journal*, notice of events, and complimentary admission for one to an *IFAR Evening*.

MEMBERSHIP/SUPPORT

All membership contributions are tax-deductible to the extent permitted by law.

Partner:	Individual $250	Corporate $1,000
Sustainer:	Individual $500	Corporate $2,500
Patron:	Individual $1,000	Corporate $5,000
Conservator:	Individual $2,500	Corporate $7,500
Benefactor:	Individual $5,000	Corporate $10,000

Please make checks in U.S. dollars payable to IFAR

NAME _____

ADDRESS _____

APT. # _____

CITY, STATE, ZIP _____

TELEPHONE _____

E-MAIL _____

INTERNATIONAL FOUNDATION FOR ART RESEARCH, 500 FIFTH AVENUE, SUITE 935, NEW YORK, NY 10110

© 2018 IFAR, Inc.

IFAR® and Stolen Art Alert® are the registered trademarks of the International Foundation for Art Research, Inc. © 2018 IFAR, Inc.

THE INTERNATIONAL FOUNDATION FOR ART RESEARCH (IFAR), established in 1969, is a 501 (c)(3) not-for-profit educational and research organization dedicated to integrity in the visual arts. IFAR offers impartial and authoritative information on authenticity, ownership, theft, and other artistic, legal, and ethical issues concerning art objects. IFAR serves as a bridge between the public and the scholarly and commercial art communities. We publish the quarterly ***IFAR Journal,*** organize public programs and conferences, offer an Art Authentication Research Service and provenance research services, provide a forum for discussion, and serve as an information resource.

We invite you to join our organization and help support our activities.